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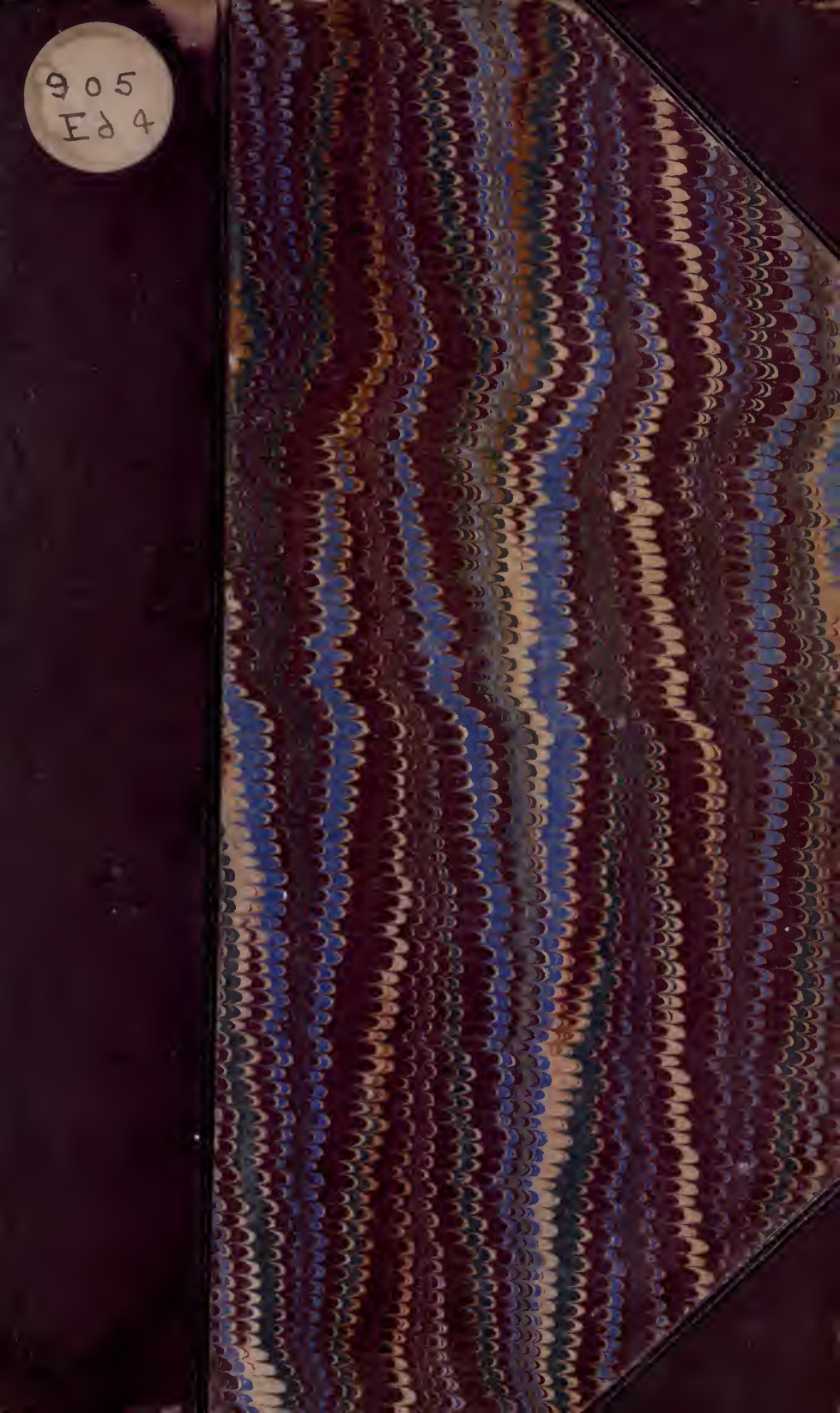

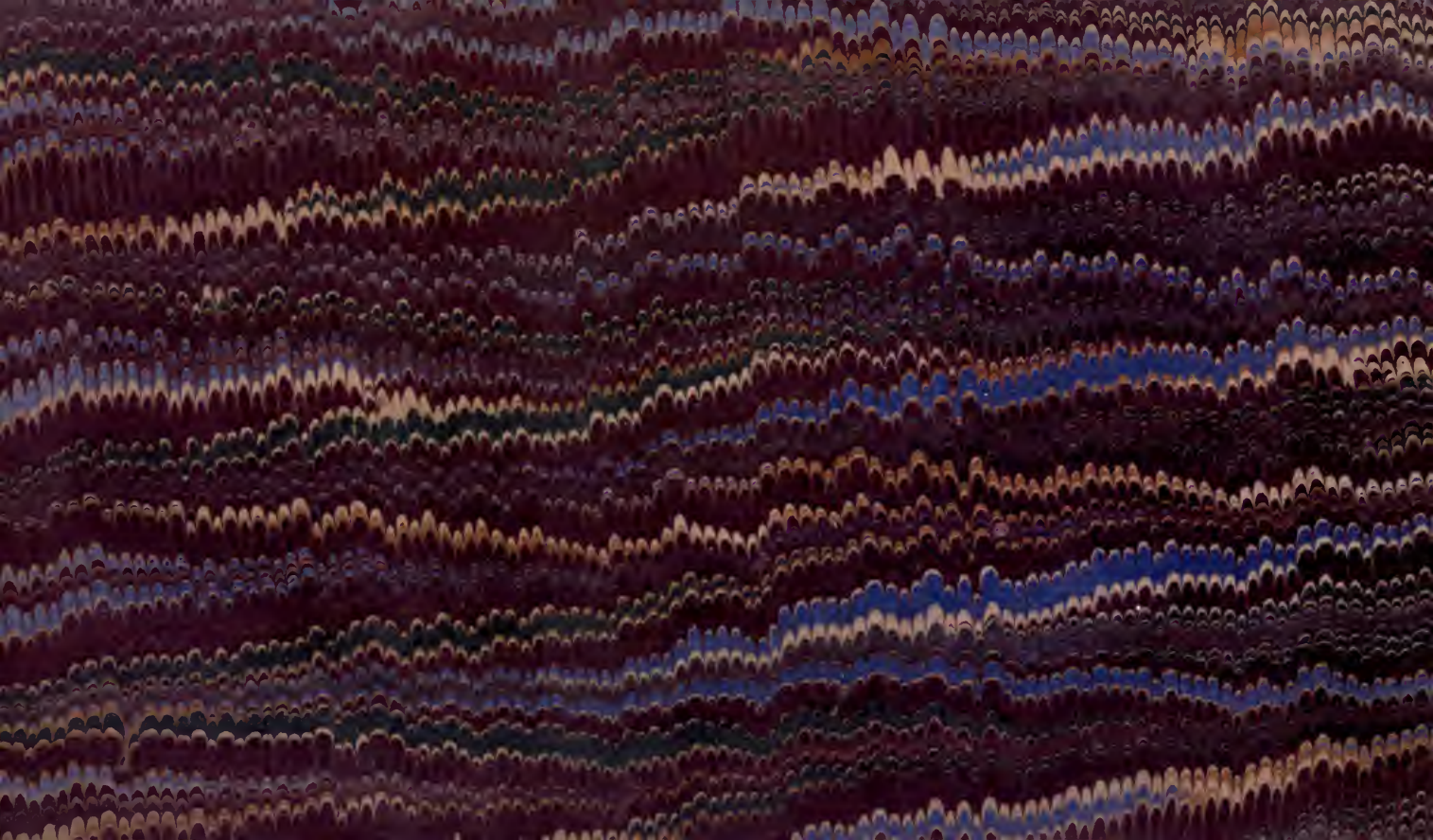

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THE

EDINBURGH ANNUAL REGISTER,

FOR 1810.

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For 1810.

VOL. THIRD——PART FIRST.

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1812.

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THE

HISTORY OF EUROPE,

1810.

LIST of the CABINET MINISTERS and CHIEF OFFICERS of the CROWN, 1810.

Earl CAMDEN,..... President of the Council.
Lord ELDON,..... Lord High Chancellor.
Earl WESTMORELAND,..... Lord Privy Seal.
Lord MULGRAVE,..... First Lord of the Admiralty.
Earl CHATHAM,..... Master-General of the Ordnance.
Hon. R. RYDER,..... Secretary of State for the Home Department.
Marquis WELLESLEY,..... Secretary of State for Foreign Affairs.
Earl of LIVERPOOL,..... Secretary of State for War and Colonies.
Hon. Mr PERCEVAL,..... First Lord of the Treasury, and Chancellor and Treasurer of the Exchequer.

Mr R. DUNDAS,..... President of the Board of Controul.
Earl BATHURST,..... President of the Board of Trade.
Mr ROSE,..... Treasurer of the Navy.
Lord C. H. SOMERSET, / Hon. C. LONG,..... } Paymasters-General.
Earl of SANDWICH,..... / Earl of CHICHESTER,..... } Postmasters-General.
Mr R. WHARTON,..... / Mr C. ARBUTHNOT,..... } Joint Secretaries of the Treasury.
Sir WILLIAM GRANT,..... Master of the Rolls.
Sir VICARY GIBBS,..... Attorney-General.
Sir THOMAS PLOMER,..... Solicitor-General.

HISTORY OF EUROPE,

1810.

CHAP. I.

Meeting of Parliament. Debates upon the King's Speech, and upon the Affairs of Spain.

NEVER since the commencement of the war had the affairs of this country, of Europe, and of the world, worn so dark an aspect, as at the entrance of the new year. The continental war, which had excited such high, and at one time such reasonable hopes, had ended not more triumphantly for France, than disgracefully for the ally of England and for England herself. The total sacrifice of all honourable feeling made by the house of Hapsburg, in uniting itself to Buonaparte, as yet was not even suspected; but it was apparent that that house was at his mercy, and that Austria, having thrown down her arms, existed by his sufferance. In the peninsula, a campaign which opened with the fairest auspices, had terminated disastrously: the golden opportunity, when by one great effort proportionate to the occasion, Great Britain might have exterminated the French in Spain, was gone by; and the defeats which the Spaniards had sustained were far more disheartening than those of the preceding winter, because they evinced that neither had the armies improved in discipline, nor the government profited by experience. It was but too plain, that, notwithstanding the show of resistance made at the Sierra Morena, the kingdoms of Andalusia were in fact open to the enemy; so supine was the central junta, as to make it even probable that Cadiz itself might be betrayed or surprised; and if, now that Buonaparte had no other object, he should march a great force against the English in Portugal, there were few persons who had sufficient knowledge of the country, and of the character of the people, to look onward to the issue without dismay. In all parts of the world, even those which were secured by distance and the seas from

the restless ambition of France, the prospect was little less gloomy. Spanish America was on the point of civil war, a crisis which the detestable misgovernment of the old court had long been preparing, and the junta, by their culpable neglect, accelerated what they might now so easily have prevented. Our own affairs in America were hardly in a better condition than those of our allies; the dispute with the United States had been renewed with fresh violence, at a moment when it seemed to be closed, and the temper of the president, and of that part of the people whom his conduct and language encouraged in their insults and outrages, was such, as rendered accommodation more difficult than ever. From India intelligence of a more painful nature had arrived, disputes had arisen there between the civil and military powers, and though those disputes were now concluded, or at least suspended, it was not till a part of the Madras army had broken out in actual rebellion. But of all calamities, foreign or domestic, none so deeply affected the English people as the lamentable expedition to Walcheren; every thing which could excite astonishment, and anguish, and indignation, was united in that deplorable history: its origin, progress, and termination, were alike intolerable to recollect; it began in folly, it was conducted by imbecillity, and it ended in disgrace.

The common council voted an address to his majesty upon this unhappy expedition, praying, that an early and strict inquiry might be instituted into the cause of its failure. The livery also voted an address, but in a different temper. It was couched in intemperate language, attributing all our failures and disasters to the abuses and corruptions of the state; and the lord mayor and sheriffs pledged themselves to deliver it into the king's own hand, unless they were refused. The city remembrancer accordingly waited upon the secretary of state, to know when his majesty would receive it, and stated a wish to present it at the next levee. At the next private levee, the secretary, having consulted his majesty, informed the lord mayor and sheriff, it was the king's pleasure that their petition should be delivered at the secretary of state's office, his majesty having, for the last four years, discontinued public levees on account of his loss of sight. They then offered to present it at the private levee, when they presented the petition of the common council, but they were not permitted, and the secretary offered to take it, and save them the trouble of calling at his office. This they, on their part, declined, saying they could not present it, except to his majesty personally. The sheriffs afterwards waited upon the secretary, and requested that he would apply for a private audience. He replied, his majesty had already signified his pleasure. Upon this the livery assembled again, and passed a string of resolutions, declaring that it was their undoubted right to present their petition to the king sitting upon his throne, though out of personal feelings they had at the last common hall waved the exercise of this right; that the denial which they had received was a flagrant violation of the right of petitioning, and whoever had advised his majesty not to receive their petition, had committed a scandalous breach of duty, violated one of the first principles of the constitution, and abused the confidence of the sovereign. They resolved also, that the sheriffs, attended by Mr Remembrancer, should forthwith wait

upon his majesty, and deliver these resolutions into his own hand. The sheriffs accordingly addressed a letter to Mr Secretary Ryder, informing him, that they should attend at the next private levee to present the resolutions, unless it should be his majesty's pleasure to receive them at some other time and place for that purpose. The secretary returned for answer, that having laid their letter before the king, he had it in command to inform them, that his majesty had already signified his pleasure that all addresses (excepting only those of the body corporate of London and the two universities) should be transmitted to the secretary of state, to be by him laid before the king; his majesty did not think it fit to depart from the same conduct in respect of the resolutions of the livery. Had they been deputed from the body corporate, he would have received them as he was in the habit of doing, and as he had recently done; but, deputed as they were, he could not, without admitting communications to be made in like manner by other classes of his subjects, and thereby exposing himself to that personal inconvenience, in the present state of his sight, which the discontinuance of public levees was intended to prevent. To the address of the common council, of which the language and the spirit were equally becoming, the king replied, he regretted that a part only of the important objects of the expedition had been effected; but he did not judge it necessary to direct any military inquiry into the conduct of the commander: it was for parliament in their wisdom to ask for such information, and take such measures upon the subject as they might deem most conducive to the public good.

Things were in this state when parliament was opened by commission on January 23. The speech expressed deep regret that Austria had been compelled to conclude a disadvantageous peace. "Although the war was undertaken," it said, "by that power without encouragement on the part of Great Britain, every effort was made for the assistance of Austria which his majesty deemed consistent with the due support of his allies, and with the welfare and interest of his own dominions. An attack upon the naval armaments and establishments in the Scheldt, afforded at once the prospect of destroying a growing force, which was daily becoming more formidable to the security of the country, and of diverting the exertions of France from reinforcing her armies on the Danube, and controuling the spirit of resistance in the north of Germany. These considerations determined his majesty to employ his forces in an expedition to the Scheldt, and although the principal ends of the expedition had not been attained, he confidently hoped, that advantages materially affecting the security of his dominions, in the further prosecution of the war, would be found to result from the demolition of the docks and arsenals at Flushing. Upon this subject, such documents and papers should be laid before parliament, as would afford satisfactory information. With regard to Sweden," it was said, "his majesty had uniformly notified to that power his decided wish, that in determining upon the question of peace or war with France, and other continental powers, she should be guided by considerations resulting from her own situation and interests; while therefore he lamented that Sweden should have found it necessary to purchase peace

by considerable sacrifices, he could not complain that it had been concluded without his participation; and it was his earnest wish, that no event might occur to interrupt those relations of amity, which it was his desire, and the interest of both countries, to preserve." Touching the peninsula, the speech continued, "the efforts of Great Britain, for the protection of Portugal, had been powerfully aided by the confidence which the prince regent had reposed in his majesty, and by the co-operation of the local government, and of the people of that country. The expulsion of the French from that kingdom, and the glorious victory of Talavera, had contributed to check the progress of the enemy. The Spanish government had now, in the name and by the authority of Ferdinand VII., determined to assemble the general and extraordinary cortes of the nation. This measure, his majesty trusted, would give fresh animation and vigour to the councils and the arms of Spain, and successfully direct the energies and spirit of the Spanish people to the maintenance of the legitimate monarchy, and to the ultimate deliverance of their country. The most important considerations of policy and of good faith required, that as long as this great cause could be maintained with a prospect of success, it should be supported, according to the nature and circumstances of the contest, by the strenuous and continued assistance of the power and resources of Great Britain." Concerning America, his majesty regretted the sudden and unexpected interruption of the intercourse between his envoy and the government of the United States; he had, however, received the strongest assurance from the resident American minister, that the United States were desirous of maintaining friendly relations between the two countries, and that desire would be met by a corresponding disposition on his part. Speaking of domestic affairs, the king expressed his hope, that parliament would resume the consideration of the state of the inferior clergy, and adopt such farther measures upon that interesting subject as might appear expedient. "The accounts which would be laid before them of the trade and revenue of the country," he said, "would be found highly satisfactory, for whatever temporary and partial inconvenience might have resulted from the measures which were directed by France against those great sources of our prosperity and strength, those measures had wholly failed of producing any permanent or general effect. The inveterate hostility of the enemy continued to be directed against this country with unabated animosity and violence; to defeat the designs which were meditated against us and our allies, would require the utmost efforts of vigilance, fortitude, and perseverance; but at every difficulty and danger, his majesty confidently trusted that he should derive the most effectual support, under the continued blessing of Divine Providence, from the wisdom of his parliament, the valour of his forces, and the spirit and determination of his people."

The address in the Upper House was moved by the Earl of Glasgow, and seconded by Viscount Grimston. Earl St Vincent rose to oppose it; he had, in like manner, opened the campaign at the beginning of the last session, and on that occasion had taken leave of the house, bidding their lordships good night. "My Lords," said he, alluding to that circumstance, "when I addressed you last, I thought

my age and infirmities would prevent me from ever again presenting myself to your consideration; but such have been the untoward and calamitous events which have since occurred, that I am once more induced, if my strength will admit, to trouble you with a few of my sentiments on the present occasion. Indeed, we have wonderful-extraordinary men in these days, who have ingenuity enough to blazon with the finest colours, to sound with the trumpet and the drum; in fact, to varnish over the greatest calamities of the country, and endeavour to prove that our greatest misfortunes ought to be considered as our greatest blessings. They talk of the glorious victory of Talavera, a victory which led to no advantage, and had all the consequences of defeat. The enemy took prisoners the sick and the wounded, and our own troops were finally obliged precipitately to retreat. I do not mean to condemn the conduct of the officers employed either in Spain or Walcheren; I believe they did their duty. There is no occasion to wonder at the awful events which have occurred:—they are caused by the weakness, infatuation, and stupidity of ministers. We owe all our disasters and disgrace to their ignorance and incapacity. But what could the nation expect from men who came into office under the mask of vile hypocrisy, and have maintained their places by imposture and delusion? The first instance of the pernicious influence of their principles was their treatment of a country at peace with us; in a state of profound peace they attacked her unprepared, and brought her into a state of inveterate and open hostility. This was a foul act; and the day may come when repentance will be too late. Their next achievement was to send one of the ablest men who ever commanded an army into the centre of Spain, unprovided with every requisite for such a dangerous march. If Sir John Moore had not acted according to his own judgement in the perilous situation in which he had been wantonly exposed, every man of that army had been lost to the country. By his transcendent judgement, however, that army made one of the ablest retreats recorded in the page of history; and, while he saved the remnant of his valiant troops, his own life was sacrificed in the cause of his country. And what tribute have his majesty's ministers paid to his valued memory, what reward conferred for such eminent services? Why, even in this place, insidious aspersions were cast upon his character: People were employed in all parts of the town to calumniate his conduct. But, in spite of all the runners and dependents of administration, the character of that general will always be revered as one of the ablest men this country ever saw. After this abortive enterprize, another, equally foolish, equally unsuccessful, and no less ruinous, was carried into execution; another general was sent with troops into the heart of the peninsula, under similar circumstances; and the glorious victory alluded to was purchased with the useless expenditure of our best blood and treasure. But what shall I say, my lords, when I come to mention the expedition to Walcheren! It was ill advised, ill planned; even partial success in it was doubtful, and the ultimate object of it impracticable. It is high time that parliament should adopt strong measures, or else the voice of the country will resound like thunder in their ears. Any body may be a minister in these days. Ministers may flow from any corrupted source;

they pop in, and they pop out, like the man and woman in a peasant's barometer; they rise up like tadpoles; they may be compared to wasps, to hornets, to locusts; they send forth their pestilential breath over the whole country, and nip and destroy every fair flower in the land. The conduct of his majesty's government has led to the most frightful disasters, which are no where exceeded in the annals of history. The country is in that state which makes peace inevitable; it will be compelled to make peace, however disadvantageous, because it will be unable to maintain a war so shamefully misconducted and so disastrous in its consequences.."

Lord Grenville followed. "We are now," said he, "imperiously called upon to institute those inquiries which the misconduct of ministers has rendered necessary—a misconduct from which a series of disasters and calamities have resulted to the country. My lords, my heart is full, and I must give vent to my feelings. The day must come when ministers will have to render an account to parliament of the treasure which they have wasted, and the lives which they have sacrificed. We owe it to the country, that they should be called upon to render that account, and we shall fail in the discharge of our duty, if we do not insist upon it. The day will come, when the mere fact of an overflowing treasury will be utterly insufficient to satisfy this house, or the people of these realms; when we must inquire, not merely as to the fact, but as to the foundation of it, and the consequences which result from it. The day will come when the conduct of ministers, respecting America, must come under discussion, when it must become a subject for deep and serious investigation, whether in a country that yet boasts of freedom; whether in a house of parliament that yet keeps up the forms of discussion; whether it is to be endured that garbled, mutilated, and misrepresented documents are to be laid before parliament, not merely concealing what it was not thought fit to communicate, but actually, upon the face of those garbled and mutilated documents, giving an interpretation directly opposite to the sense of them in their entire and original state. In the same manner, with respect to our expeditions, it is due to the memory of those who have fallen in the service of their country; it is due to the memory of those who have bravely, but ingloriously, fallen a sacrifice to the ignorance, the incapacity, and the misconduct of ministers; it is due to a deluded and a suffering people, who demand it at our hands, that we should institute a rigorous and an effectual inquiry into the conduct of those ministers to whom these disasters are to be attributed. Let us not be deluded by their shew of a readiness for inquiry; we shall not this night do our duty, if we do not give a decided pledge to the country, that a rigorous and effectual inquiry shall be instituted. I do not mean to condemn the conduct of the officers employed; I am disposed to believe that they have done their duty, and that all the disastrous results are to be attributed to the want of information, the criminal improvidence, and the ill-digested plans of his majesty's ministers. You ought not to countenance any public outcry against the officers, but to point public indignation where alone it ought to rest, upon the heads of those ministers who sent out expeditions, either to achieve objects impracticable in themselves, or without the means of achieving any object useful or honourable to the country. If any circumstance should arise out of

the inquiry tending to impeach the conduct of any officer employed, that will be a subject for future investigation; but there are circumstances affecting the conduct of ministers, which no inquiry can render plainer or clearer than they are. It is known to every one, to the whole country, and to all Europe, not that our expeditions have partially succeeded, but that they have uniformly failed, that they present nothing but an unbroken series of disgraceful, irremediable failures. Who, then, can doubt the necessity, the absolute, the imperious, the indispensible necessity of inquiry, when nothing but irretrievable failures have resulted from ill-advised, and ill-digested plans; when nothing in the melancholy retrospect presents itself to our view, but national disgrace arising from misconduct; an absurd and lamentable waste of public treasure, and an useless and most melancholy sacrifice of the lives of our gallant countrymen? We were told, my lords, last session, of the successes which were to flow from our efforts; of the impression we were to make upon the continent; nay, one noble lord went so far as to talk with an air of confidence of the deliverance of Europe. And how has Europe been delivered? By a series of unparalleled disasters; by expeditions, which, in their conduct and results, have exhausted our means, and rendered us the derision of the whole continent. And yet, in the speech of the king's commissioners, ministers have the confidence, the unblushing confidence, to tell us of a victory gained to the country! Are we then arrived at that melancholy situation of our affairs, in which gilded disasters are to be called splendid victories, and the cypress that droops over the tombs of our gallant defenders, whose lives have been uselessly sacrificed, to be denominated blooming laurels? Ministers had the unlimited disposal of the treasure of the country, and of the lives of its brave defenders. How they have wasted the one, and sacrificed the other, is too painfully apparent. They had, at the time of the commencement of the last campaign between France and Austria, a disposable force of 100,000 men. I will concede to them for the moment, for the sake of argument, what I absolutely deny upon principle, and in point of fact, that it was desirable to adopt a system of continental co-operation, and endeavour to make a powerful diversion in favour of Austria. Surely it is apparent, that if a diversion is to be made at all, it ought to be made early, with a sufficient force; and it ought to bear upon the scene and pressure of the war. Now, with our maritime superiority, and the means at that time opened to us, we might have landed a large force at Trieste, or in its neighbourhood. Austria was making a gallant struggle, and the army by which she was finally overwhelmed, owed its success, in a great measure, to the reinforcements it derived from the French troops in the very neighbourhood of Trieste. How, then, would a diversion directed to that quarter have operated? Our army would have kept in check the troops under Marmont and Macdonald, and would have effectually prevented them from marching to join the main French army on the Danube. I do not believe that this would ultimately have changed the fate of the war, but it would, very probably, have altered the fate of the campaign. There was another mode of making a powerful diversion; the north of Germany was open to us: How did his majesty's ministers encourage the risings in the

north of Germany? What hopes did they not hold out to the brave inhabitants of those provinces, and how cruelly did they disappoint those hopes, abandoning to destruction those brave men, even in the territories of our own sovereign, whom they had deluded with false hopes and delusive promises? A force landed in the north of Germany would have found ready to co-operate with them, not an armed peasantry, not an undisciplined rabble, but disciplined troops, disbanded soldiers, men who had been trained to the use of arms, and in habits of discipline and subordination. To meet such a force, the national guards of Paris could not have been sent, nor the armed Maréchaussée of the frontiers, but regular troops must have been detached from Saxony and Bavaria, and a powerful diversion would thus have been made; not that I believe that the fate of the war would even thus ultimately have been changed, although the event of the campaign very probably might. This, my lords, is what they might have done, and now comes, "like a lean and blasted ear," what they have done.—Of the disposable force which they had of 100,000 men, about 15 or 16,000 were stationed in Sicily; for what purpose they were kept there may be the subject of a future inquiry, but is foreign to the present discussion. The remainder were divided into two armies, I will say, for the sake of round numbers, of 40,000 each; though I believe neither the troops sent to Portugal, nor those sent to Walcheren amounted to that number, yet they did not fall far short of it. With respect to the force sent to Spain, ministers seemed resolutely determined not to profit by experience; precisely the same errors and the same faults were committed as in the expedition sent there under Sir John Moore. Nothing can more clearly shew their perseverance in error; expecting, in the first instance, a co-operation from an armed peasantry, which it was idle and absurd to expect; and after the fallacy of this expectation had been proved, persevering in the same error, and making that a part of the plan of a second expedition to the peninsula, although the absurdity of it was manifest even before its fallacy was proved, and although all idea of that species of co-operation had been distinctly shewn by experience to be nugatory and absurd. Ministers ought to have known that history is pregnant with proof, that an armed population cannot be considered as a disciplined army; that it is not enough that men should be attached to the cause they are to defend, but disciplined, steady, and obedient to command; having skilful officers, able to execute the commands they receive, and capable of judging what commands to give, and at the same time fit to be trusted.—We are told in the speech, that the expedition to Walcheren was undertaken with the view of making a diversion in favour of Austria. An immense expence was incurred, no less than 38 ships of the line were employed, more than 100 frigates, and an immense number of transports. It was known to ministers, in September 1808, that a war was likely to take place between Austria and France; yet this immense armament to the Scheldt, which was to operate the so much-boasted diversion in favour of Austria, did not sail till the latter end of July. Before it sailed, the armistice was signed, which led to the fatal treaty that prostrated the Austrian monarchy; not only this event had taken place, but intelli-

gence of the signature of that armistice had actually arrived in this country. And thus, when all prospect of operating a diversion in favour of Austria had failed, the expedition had sailed from our shores, and the destruction of a few ships, and the plunder of the docks of the enemy, were to be substituted for the object so much boasted of—that of making a diversion in favour of Austria. Your ally, vanquished and subdued, had accepted the law from the conqueror, and then your tardy army left your shores. Shall I be told that it was a great armament; that it was delayed by necessity; that, like every naval force, it depended on the winds, and the transports being in readiness? Why all this is not new to you. If you want to land 40,000 men in the neighbourhood of the Scheldt, it is necessary to have transports to convey them; but if, by events which you could not controul, it was impossible to send this armament sooner, why send it at all? But besides incurring an immense expence to achieve an object of comparatively trifling value, a still more serious objection exists to this expedition. We have been charged upon the continent with sacrificing the interests of our allies to expeditions, the only objects of which were to burn a few ships, and destroy docks, with the mere view of some little interest of our own. Till the hour of the Copenhagen expedition, nothing had occured in our conduct to give currency to this falsehood; now, however, a still greater and more just currency must be given to it from the nature and achievements of this expedition to Walcheren, which terminated in the mighty exploit of blowing up the basin and the docks of Flushing! The plan displayed all that egregious want of information, and that extreme incapacity which have marked all the expeditions of his Majesty's ministers. At the first point of attack, where, according to the information of ministers, only 2000 men were stationed, 14,000 were found; and the second point of attack, which, according to the same information, was stated to be completely open and accessible, was found to be strongly fortified, beyond the reach of our attack, secure from hostile approach, and inaccessible to our force. These different disastrous expeditions have been attended with a dreadful waste of life; they were collected and dispatched at an immense expence; the resources of the country, and the lives of its armies, were squandered upon vain and impracticable objects, under circumstances naturally to be foreseen, and which ought consequently to have been guarded against. There may be cases in which it may be necessary to expose your armies not only to the dangers of battle, but also to those of disease. Deeply to be regretted as such cases are, yet they may exist. Why our armies were exposed in unhealthy situations in Spain—whether it was necessary they should be so exposed, will be matter for future inquiry. How has that happened as to Walcheren? the place, the situation, nay, the season of the year were chosen by his majesty's ministers. There is a season of the year when the air of that place is most pestilential and dangerous; yet to that place, and at that time, say his majesty's ministers, "We will send the flower of the British army." Have they then been ignorant, have they not read of the nature of the climate of Walcheren, in that book to which one would think they would naturally resort under their circumstances—

I mean Sir John Pringle's work upon the Diseases of the Army? Have they not examined that work, where they would find the pestilential effects of the climate of that unhealthy island described, and proved by our own dearly-bought experience? Nay, so notorious have been the effects of that climate, that the Swiss Cantons, when they furnished mercenary troops as auxiliaries to the Dutch, thought it necessary to stipulate expressly that they should not be sent to Walcheren during the noxious season, it being well known that if they were sent there they must inevitably perish. This, then, is not a case of unforeseen calamity. Ministers knew, or ought to have known, all these things before they sent an army into Walcheren; and they are of consequence most deeply responsible for the lives of those brave men who perished there, without the chance of being able to confer any benefit upon their country, which might afford her some consolation under a loss so afflicting. Our armies had hardly been there a month, when the object appeared clearly impracticable to all but to his majesty's ministers: The commander-in-chief determined to return. On the 27th of August, we were told by him who had advised the expedition, and who had been appointed to command it, that the object was not to be accomplished; still the troops were suffered to remain in the island for two or three months, a prey to the diseases of that pestilential climate! To whom, then, are to be imputed the deaths that took place in consequence? To whom is to be imputed this wanton waste of the valuable lives of our brave defenders? What excuse can these ministers offer to the parents, the relations, the friends, of those brave men, who were suffered to perish thus uselessly, and thus ingloriously? What excuse can they offer to their country for this most afflicting loss? While letters were passing and repassing on this subject, hundreds of British soldiers were perishing for no object whatever.—With such a case then already established, do you mean to wait for inquiry before you pronounce upon that which is now evident? Will garbled papers be a compensation for all this mass of calamity and disgrace to an injured and outraged country? Separate yourselves, my lords, I beseech you, in this awful and perilous crisis of your fate, from this misconduct of ministers;—declare your severe reprobation of their conduct on that point, which is already completely before you; and which, from its very nature, can admit of no defence. You will find them, no doubt, attempting, as on former occasions, to shift the blame from themselves to the officers: They will not stop there, they will involve your lordships in the same charge; you, who after the experience you had of their mode of proceeding in the expedition under General Moore, encouraged them to go on in the same course. And how can you entirely exculpate yourselves? How can you, who saw what had taken place before in Spain and Portugal, without expressing your disapprobation, excuse yourselves from a share in the disasters which have since happened in the same countries? Obligation does not, in these cases, rest solely with ministers.—You, too, have a duty to perform, which, if you do not perform, you are justly chargeable with your share in the public calamities. We must look to parliament. These are not times for votes of confidence, and implicit reliance upon ministers. Parliament

must now exert itself in this most imminent crisis of the fate of our country. You cannot be ignorant of the tremendous situation in which your country is placed. Its dangers are no longer to be enhanced by eloquence, or aggravated by description. If you cannot look to parliament for its deliverance, where can you look? Can you look to the government? See it, my lords, broken, distracted, incompetent, incapable of exerting any energy, or of inspiring any confidence.—It is not from the government, then, that our deliverance is to be expected. It must be found, if it is to be found at all, in your own energy, and in your own patriotism."

Lord Grenville concluded by moving, as an amendment to the address, that the house "had seen, with the utmost sorrow and indignation, the accumulated failures and disasters of the last campaign; the unavailing waste of our national resources, and the loss of so many thousand of our brave troops, whose distinguished and heroic valour had been unprofitably sacrificed in enterprizes productive not of advantage, but of lasting injury to the country;—enterprizes marked only by a repetition of former errors; tardy and uncombined, incapable in their success of aiding our ally in the critical moment of his fate; but exposing, in their failures, his majesty's councils to the scorn and derision of the enemy: that the house, therefore, felt themselves bound, with a view to the only atonement that could now be made to an injured people, to institute without delay such rigorous and effectual inquiries and proceedings as duty impelled them to adopt in a case when their country had been subjected to unexampled calamity and disgrace."

Earl Moira, though he went the whole length of the amendment, as he expressed himself, differed from Lord Grenville respecting the hopes which the last campaign had offered. "It would," he said, "have threatened most formidable consequences to France, had we landed an army in the south of Germany; or had we landed one in the north, what might not have been expected, from it acting in the rear of the French, and combining and sustaining the scattered troops on that part of the continent. Concerning Spain, he differed from him still more; for there an opportunity was afforded of terminating the war with glory, and of shaking, if not overturning, the power of Buonaparte. The enthusiasm which existed in that country could not be questioned, for nothing but enthusiasm could have kept armies still together after so many defeats and disasters. That enthusiasm made Spain a lever by which the power of France might have been removed from its foundation. But what was done there? Sir Arthur Wellesley's army had advanced into Spain and gained a victory, but although the stronger and victorious army, it immediately retreated. Either, therefore, his instructions were erroneous and defective, or he had not means to carry forward his victorious troops. And what was worse, two great Spanish armies had been since successively cut to pieces, while a British army remained idle and inactive in their vicinity!" Earl Grey also supported the amendment. Concerning the Austrian war, he agreed with Earl Moira, that an expedition either to the north of Germany, or to the Adriatic, might have been undertaken with some prospect of success. Concerning Spain, he expressed no hope, and detracted from the merit of Lord

Wellington. "Ministers," he said, "did not venture to speak so boldly in their defence as they had done in the speech; and he was glad to find, from their humble and chastened tone, that they appeared to feel some remorse for the numerous miseries which they had inflicted, by their imbecillity and misconduct, upon their country. Had it been otherwise, he should have supposed that Almighty vengeance was hanging over this nation, and that therefore the hearts of its rulers had been hardened in proportion as their understandings were darkened."

Viscount Sidmouth, with his usual fairness, desired a full and rigorous inquiry, but objected to Lord Grenville's amendment, because it condemned without inquiry. "There was much of irritation," he said, "and much of despondency at that moment in the public mind, and such language neither tended to soothe the one, nor to reanimate the other." Ministers themselves argued as Lord Sidmouth had done, that the mode of proceeding which Lord Grenville advised, was unusual and unprecedented; for it would make the house pass a vote of absolute condemnation, previous to any inquiry. Lord Mulgrave said, "he never remembered any legislative measure resembling such a proposition, except an act of parliament, enacting that persons found poaching for game under certain circumstances were to be flogged at the cart's tail; but a clause was added, that those who found themselves aggrieved thereby might make an appeal to the next quarter sessions. In the same manner, it was proposed first to punish his majesty's ministers, and then to inquire whether they had deserved that punishment." In defending their own measures they had a more difficult task. They argued, that to have transported an army to the Adriatic was actually impracticable, on account of the expences and difficulty. In the north, also, it would have been impracticable to subsist and pay a sufficient army. All that could be done had been done. The enemy had for years been erecting a naval arsenal and depot, from whence he might menace the most vulnerable part of these realms. He boasted of having opened a river which had so long been shut, and of having made it the station of a naval power, as well as the source of commercial wealth. He boasted of having brought his designs and means at Antwerp to full maturity. A well directed effort was made to destroy those means. This design, through various, unexpected, and unforeseen, because unascertainable difficulties, had not been wholly accomplished; yet it had been accomplished so far as to render abortive his schemes of hostility from that quarter, for the complete destruction of the harbour and arsenal of Flushing had effected this.

These were Lord Harrowby's arguments. They were enforced by the Earl of Liverpool, who said, "it was always the opinion of professional men, that an invasion of this country could never be effected except from the Scheldt, and in preventing this danger we had succeeded. Nor was this the only object which the expedition had accomplished. It was the desire of Austria that we should retain Walcheren till she made terms of peace; and expressly at the request of Austria we had held it after the ulterior objects of the armament were abandoned, in order that our ally might thereby be enabled to make better terms. Hard as these terms were, yet when compared with the

threats of Buonaparte, it must be admitted that some cause had induced him to relax from his intended severity, and that cause he attributed to the retention of Walcheren." Thus perfidiously had Austria deceived the British government! 92 peers voted for Lord Grenville's amendment; 144 against it,—a greater majority than the opposition had expected.

The address was moved by Lord Bernard in the House of Commons, the amendment by Lord Gower, who was vehemently supported by the Hon. J. W. Ward. "During the few months," he said, "which had elapsed since the last session of parliament, we had been engaged in various military operations upon a most extensive scale, and those operations had been attended by failure more complete, by loss more deplorable, and by disgrace more signal, than any that we find recorded within an equal space of time in the history of this or any former war in which the country was ever engaged. We were called upon to declare that accident had been every thing, and misconduct nothing, in these transactions,—which was to believe that a miracle had been worked against us; we were required to believe this in favour of a government of departments, at the head of which, till lately, stood a nobleman of no very distinguished talents, enfeebled by age and sufferings, and labouring ineffectually to keep together the discordant parts of a precarious administration; we were required to believe it in favour of a cabinet, the members of which entertained for each other the most profound contempt, or the most deadly antipathy; whose time, instead of being devoted to the public business, was spent in dark intrigues, in personal discussions, and in devising schemes for parcelling out the great offices of state, which they seem to have considered as a private inheritance, to be divided for their individual benefit, not as a solemn trust, to be administered for the general good. We were required to believe in the capacity of those who had pronounced upon each others incapacity; and it was from discord at home, and disgrace abroad, that we were to infer wisdom and good conduct. When I call to mind," said he, "the ignominious history of their internal dissensions, when I see that their whole administration has been one uniform tissue of calamities, a foul and detestable blot in the annals of the country, I do not hesitate to declare my unalterable conviction, that such a government was unworthy to possess the confidence of parliament; and that a government which differs from it chiefly by the loss of those talents for business and debate, which formed its great ornament, and which is a little more united, at the price of being a great deal weaker in all other respects, is unfit to carry on the affairs of state, and that it is the duty of every member of this house, and the interest of every man who is concerned in the preservation of the country, to contribute by all lawful means to its subversion."

The speech was in the same tone as this violent exordium. For the sake of heaping more honour on Sir John Moore, whom party spirit had magnified into a hero, and exalted as a political martyr, Mr. Ward spoke of those officers who, knowing the Spaniards better, entertained brighter hopes for Spain, in a manner as ungenerous as it was unjust. He depreciated their talents, and vilified their motives. "It was natural enough for them," he said, "to represent in their dispatches only the fair side of things; it was

not to be supposed that they would transmit accounts which would be disagreeable to their employers, and fatal to their own prospects,—the effect of which would be to put an end to all their activity and importance, and recal them from the dignified occupation of composing proclamations and dispatches, to the humble routine of regimental duty." However such language might wound the brave and meritorious men who were thus unjustifiably attacked, they had the consolation of knowing that they had discharged their duty, and that, in the opinion of all impartial men, it injured none but the person who used it. The same perversion of judgement and of feeling appeared in the whole of his discourse which related to Spain. "What symptom was there," he asked, "that a people, bowed for whole ages under the yoke of superstition and tyranny, would be able at once to establish a vigorous government, and to expel the enemy; yet, without such a change, how was it possible to hope for success;—almost it might be said," he added, "how was it possible to wish for it?—In the midst of all their dangers, the Spaniards were rummaging their archives with all the curiousness of antiquarian research, to find precedents relative to the meeting of a representative assembly, which was not to be held till long after the time, when, at their rate of proceeding, the representatives, the places they were to represent, the place where they were to meet, the antiquarians, the archives and all, would be involved in one common destruction. Yet, culpable as the junta were, in not adopting vigorous measures, the fact was, that even if they had been adopted, they would have been too recent to produce much effect; and their folly was hardly greater than that of the English ministry, who acted as if a regular army had existed, under circumstances in which reason and experience might have told them that no regular army could exist."—It was not to be expected that one who, after the sieges of Zaragoza and Gerona, could see nothing in the Spaniards but matter for contempt and reproach,—who neither hoped for their success, nor hardly, by his own confession, wished for it,—it was not to be expected that such a man would allow any merit to Lord Wellington. "His exploits at Talavera," he said, "left the cause of Spain as desperate as they found it, and in their consequences resembled not victories, but defeats. For by what more disastrous consequences could defeat have been followed, than by a precipitate retreat, by the loss of 2000 men left to the mercy of the enemy upon that spot where they had just fought and conquered, but fought and conquered in vain; that spot which, as it were in mockery to them, we had endeavoured to perpetuate in the name of the general? By what worse could it have been followed than by the loss of all footing in Spain, the ruin of another army, and the virtual renunciation of all the objects of the war? William III. used by his skilful generalship to render defeat harmless,—our generals made victory itself unavailing."

Upon the expedition to the Scheldt Mr Ward made out a better case. "It had failed," he said, "with every possible circumstance of disgrace, and the question was, whether the failure was owing to the plan or to the execution. Now it was manifest to ministers that Lord Chatham is blameless; for if he were not, why was he allowed to continue a member of the

cabinet, and in a situation which entitled him to be considered as the king's principal adviser, in which he may advise him to send out more such expeditions, and to give him the command of them? It was to be presumed that none of the other officers were culpable, for otherwise a court of inquiry would have been instituted. The cause of failure, therefore, was in the plan. And here those ministers, who talked so loudly of the loss of character which we had sustained by our selfish conduct during the last continental struggle, had shewn the nature of their own policy. They availed themselves of the absence of the French armies in Germany to undertake a plan of mere British insular policy, in the success or failure of which no continental nation had the smallest interest; their only object was, instead of making common cause with Austria, to extract some trifling advantage for ourselves from the final destruction of the only other power in Europe that still preserved a shadow of independence; and for this object they sent an expedition, in the most unhealthy season of the year, to the most unhealthy place in Europe. Did they then wholly omit to inquire whether the place to which 40,000 men were to be sent was healthy or not? Did it never occur to them that a low, marshy country might be unfavourable to the human frame in the summer or autumn months? Did none of the persons whom they must have consulted upon other subjects drop a hint upon this? Did none of the thirteen members of the cabinet ever open the commonest book upon the subject? Or did they foresee and calculate upon the loss, and determine to incur it for the advantage which was to ensue? Did they deliberately resolve to expose a whole British army, the finest the country ever sent out, to the effects of a pestilential disease, and that for the sake of seizing a few ships, and destroying an arsenal? If they were ignorant of the nature of the country, how scandalous their neglect! If they were not, how wanton their cruelty!"

Here the orator should have rested; but in proceeding to declare what was the end and aim of the proposed censure upon ministers, he gave the public the only reason, and that an all-sufficient reason, for withholding their full condemnation. "There had been times," he said, "when even these men, or any others of moderate understandings and attainments might have governed the country, though not with credit, at least without much danger. But now that the whole power of Europe was concentrated in France, and the whole power of France concentrated in one man, and that man the greatest general and statesman the world ever produced, and the bitterest enemy England ever knew; it is an absolute infatuation not to have recourse to our best means of defence, moral as well as physical, to the wisdom of our councils as well as to the strength of our fleets and armies. It is not for their own sakes, but for the sake of the country, that I wish to see the opponents of ministry return to office. Indeed I know not whether, in the present situation of things, office, which under more favourable circumstances is no doubt a natural object of ambition, is to be wished for, as a benefit, to any set of men. This, at least, is not a bed of roses. They might escape blame, but they could not possibly acquire reputation. They would succeed to shattered finances, to unsuccessful arms, to disgraced

councils, and to a war, the close or the continuation of which it is alike impossible to contemplate without alarm; they would succeed to difficulties that might confound the wisest, and to dangers that might appal the boldest statesmen; difficulties and dangers for which the emoluments of office, and the pride of party victory, would but poorly compensate to men who looked, as I hope they look, not only to themselves but to the country; to future fame as well as to present power. Perhaps it may be already too late, and we may shortly be destined, partly owing to our own follies, and partly owing to those awful events which we could not controul, and which have made our times the beginning of a new era in the world, to share the fate of the other nations of Europe. Perhaps we are already in a situation which defies the efforts of the wisest and best men among us, and which would have defied the efforts of these wiser and greater men whom we have lost. But if the country, shorn of its honours, and humbled as it must be, can still be preserved, sure I am, that its preservation cannot be the work of those by whom it has been brought into its present situation, or of persons who proceed upon the same system with inferior ability. It cannot be preserved by the wreck and remnant of a ministry, by something weaker than that which was already supposed to have attained the utmost possible point of debility; persons whose defects are notorious, and whose very apology is shameful; who offer us their intolerance and court favour, as substitutes for all the qualities that ought to belong to an English administration. It is time to try some other remedy before the last agony comes on. If this empire is to be destroyed, let it not be under the reign of these Augustuli. Let its end be worthy of a state which has achieved great actions and produced great men. If we fall, let us fall with dignity."

Mr Ponsonby followed in a strain not less severe. "Who was it," he asked, "that had been selected to command the greatest expedition that ever left the shores of England? Was it a general wise from long experience, and illustrious from the splendour of many victories,—one covered with well-earned laurels, the military pride of the country, who excited her most sanguine hopes, and enjoyed her most complete confidence? Alas! the flower of her forces was committed in an evil hour to the guidance of that inauspicious and ill-omened officer, of whom we knew nothing more than that he had once been at the head of the admiralty, where such was his lazy discharge of the duties of that office, that even his own brother, the minister, could not suffer the functions of the state to sleep beneath his indolence. This," said Mr Ponsonby, "is no time for half measures, it is no time for civility, or courteous compliance to the feelings of public men: it is a crisis which calls upon the House of Commons to put forth its penal powers. Had I a choice between punishment and pardon, I should prefer punishment, because the circumstances of the country imperiously require some solemn example."

Lord Castlereagh replied, that he did not fear the exercise of that penal justice with which he was thus threatened: he claimed no mercy; he requested only a fair inquiry into the merits and demerits of his conduct. He had not been ignorant of the nature of the climate of Walcheren at that season of the year; but it had

never been intended that the army should be locked up there so long; a *coup de main* against the naval power of the enemy was the object, not the mere capture of Flushing, and therefore it was expected that the troops would be employed in a dry country, between Walcheren and Bergen-op-Zoom. With regard to the evacuation of the island, that was a measure wherein he had no share, and therefore could not take upon himself either to justify or condemn it.—Mr Canning spoke more at length, calling like Lord Castlereagh for inquiry, and like him saying, that his responsibility and knowledge ceased when it was intimated to government that the objects of the expedition could not be accomplished. "He did not know," he said, "but that sufficient reasons might be produced to account for the failure; but he could not agree with those persons who represented that the calamitous failure in its main objects was in any degree alleviated by the partial success which had been obtained. He never supposed that Flushing and Walcheren were objects adequate to such preparations and expence; but he did consider that the possession of the naval arsenal at Antwerp would have been of the first importance as a British object, and that no other point could have been selected in which the force which it was in the power of this country to send could render more service to the common cause. Whether an expedition should have been sent, as some reasoners argued, to the north of Germany, was a question not altogether of policy, but of justice also. The only circumstances in which justice would allow us to interfere in continental insurrections, were, first, if the people of any country, having well weighed their peculiar circumstances, should determine that it was better to run the extremest dangers of war, than submit to the degree of oppression under which they laboured. Then it would certainly be just, and becoming the dignity of this country, to assist them in breaking their chains. —There was another case, in which also it would be just and allowable to interfere; if we could send large armies, which were themselves nearly a match for the utmost strength of the enemy, and which we were willing to commit, as fully as the country itself was to be committed which we came to assist. We had, however, no right to stimulate other people to struggle, unless we were determined to support them with our utmost means. Considering how partial the insurrection in the north of Germany was, it would have been most unjust to the people of that country to stimulate them to insurrection, without a determination to support them to the utmost; and it would have been most impolitic to have come to such a determination in the present state of Europe. If we could send one of those great substantive armies, such as traversed Germany in the thirty years war, like a nation among nations, carrying its own magazines with it, then perhaps the north of Germany might have been the proper destination. The case was, however, now widely different. But if there was a country in which it would be perfectly just to interfere, Spain was that country. There the torch of insurrection was every where lighted and every where burning, and therefore we exposed the people of that country to no additional danger by giving them our assistance. We did not, however, pretend to commit ourselves to the same extent that the Spanish nation was committed. It

was always understood that the British army was lent to them as a trust to be restored, not given as a loan to be expended. At present there was no question about raising any general confederacy against France. That would be an idle speculation. But if any country was resolved to make an effort to break its chains, that country became our ally. Most desponding feelings had been expressed with respect to Spain. We were informed, that an indisposition existed on the part of the constituted authorities there to give the people an interest in the struggle. And it had been asked, why we did not endeavour to effect a change internally? Were we then to go with the Koran in one hand, and the sword in the other, to change the habits and religion of those whom we would aid? I am not," said Mr Canning, "nice in the means which I would make use of to thwart the views of Buonaparte. I would gladly press a combination of all nations, and of all religions, into a phalanx to oppose him. I would unite with the Turk, without requiring him to lay aside the turban, and I would march to the field with the poor bigotted Spaniard, without first insisting on his divesting himself of superstition. Some were of opinion, that no aid should have been granted till the cortes were convoked. But I should be very sorry to have to answer for such conduct, as it would have been a sure way of creating intestine divisions; the clashing interests of the several provinces might have produced the most fatal consequences. Thus, had the Castilian cortes been assembled, Buonaparte, by calling the Arragonese against them, might have divided Spain within herself more completely than she was divided by the Ebro."

Mr Canning then noticed the attacks which had been made upon Lord Wellington, saying, that the advance to Talavera was that general's own act, but an act of which he approved, as he did also of the honours with which that gallant officer had been so deservedly rewarded. "We ought not," said he, "to undervalue the hero's laurels, even though they may be barren. Has valour then so long been admired, and now at last lost its value? Have we on a sudden become so enlightened, that we can contemplate it with philosophic apathy? The moralist may shudder at the shedding of human blood; yet still was Lord Wellington entitled to the gratitude of his country, and the glories of Talavera were not purchased so dearly as to be for ever deplored." He concluded by referring to a subject which more particularly and personally applied to himself,—his dispute with Lord Castlereagh. He was of opinion, he said, that the dignity and decency of the house, and the respect which was due to the feelings of individual members, should prevent any discussion of that subject in parliament; for himself, it was his fixed determination, that no provocation should induce him to enter into any such discussion.

Mr Whitbread replied, that as far as that subject respected the individuals concerned, no gentleman would wish to bring it into discussion there; but the question which Mr Canning had to answer to the country was, why he had suffered Lord Castlereagh to remain in office, after being convinced that he was unfit to remain there? This question he hoped the right honourable gentleman would be compelled to answer to the house and to the public. "One thing, however," Mr Whitbread said, "much

delighted him. Mr Canning had said that in a good cause he would seek the assistance of men of all religions; the Turk and the Christian, the Jew and the Pagan, politically considered, were to him equal. No doubt then, now that he and Lord Castlereagh were emancipated from the shackles of bigotry, they would unite with the friends of toleration in support of unlimited religious freedom." Then he adverted to the present administration, and the manner in which it had been formed. "Marquis Wellesley," he said, "went to Spain after delays which ought to be accounted for, and of which he should hereafter demand an explanation: there, however, at last he went, and what were his services when he got there? Why, he went through the mummery of dancing on the French flag! He did more;—he visited the junta, went through all the routine of etiquette and politics, made a speech about reform, took his glass after dinner, and religiously toasted the Pope. It was surprising indeed to see him so soon returning after his flirtation with the whore of Babylon at Cadiz! On his return, of course, when the places were going, he came in for his share, and made one of the administration which the Chancellor of the Exchequer had at length compiled; but in what manner had he compiled it? His first application was to two noble lords, with whose principles he had been at war all his political life: they rejected the tender in a manner worthy of their dignity, and the rebuff which they gave would have daunted any man of less temerity than himself. There was not a man, from the Orkneys to the Land's End, who did not pronounce him and his administration weak, incapable, and insufficient. Even with the addition of the two colleagues who had deserted them they were feeble, but they then stood on a principle, or rather in opposition to a principle; but now, having been rejected by all who were worthy, the weak, and old, and infirm were collected from the hedges and high roads, and consorted with for want of better."

Mr Whitbread then came to the burthen of his song. "Pompous language," said he, "is held out as to the flourishing state of our revenue; our treasury we are told is full. Aye, by the rigorous severity with which the taxes are collected, and methods by which the liberty of the subject is directly struck at. Let an economical reform be instituted before the last ounce is exacted, and the country reduced to despair! Let a government be removed to which the people have refused their confidence! Let our relative situation with the enemy be well considered! Austria gone, the French force concentrated, and Spain their only object. We are told that Portugal may be defended by 30,000 men; but would not Buonaparte know our force to a drummer, and where we had 30,000 he would have three score. Who would struggle against such fearful odds! We held our ground in that country just at the will of the French emperor, and at his option he could drive us out of it. And what could we expect from our present ministry,—such a ministry,—or rather from a single man, for the Chancellor of the Exchequer, in fact, stood alone. Marquis Wellesley, of whom such account had been made, might be considered as completely insignificant. Who was he? The governor of India, the man who had scarcely escaped the censure of that house for his cruel tyranny! the man who had assailed

the press, that sacred palladium of the people! the friend of despotism! the foe to liberty! Could this man say to Buonaparte, in the noble indignation of insulted virtue, "I have not done as you have!" Alas! if such a man had strength, he would indeed be a fearful acquisition to such a government; but he was known, and therefore weak and harmless. Peace," Mr Whitbread concluded, "should be the cry of the nation. Peace,—particularly because the thraldom of millions of our fellow subjects was the tenure by which this incapable junta held their offices."

Mr Perceval replied to this speech in all its parts. "As to the situation," he said, "which he had the honour to hold in his majesty's council, he must state, in the most explicit and duteous manner, that it was not an object of his own desire; on the contrary, if his wishes had been realized, another person would then have held the office of first lord of the Treasury. When, by his majesty's directions, he had applied to Earls Grey and Grenville, for the purpose of forming an extended administration, the first proposition which he should have made to them, if they had given him an opportunity of stating it, would have been, that it should be left to themselves to determine who should be the first lord of the Treasury."—This was a confession of weakness; twelve months before, Mr Perceval was strong in the opinion of the people; but now the deplorable Walcheren expedition hung about him like a mill-stone, and, even in his own feelings, weighed him down. In defence of that expedition, the arguments which he adduced were, that it was of great importance to destroy the basin at Flushing; that no better mode could have been devised, not for withdrawing French troops from the Danube, but to prevent reinforcements of 25 or 30,000 men from going thither; that Austria, the moment she knew such an expedition was in agitation, had entreated us to persevere in it; and that, within a day or two of the conclusion of the peace, she had requested us not to evacuate Walcheren. He rose into a higher strain when he spoke of the Spaniards, and the unjust and unfeeling manner in which their conduct had been represented. "Was it liberal," he said, "that the defenders of Zaragoza and Gerona should be said to have displayed no generosity, no enthusiasm, no patriotism? Well, indeed, might those persons censure what was done to aid the Spanish cause, who could assert that the cause did not deserve success. But neither in ancient nor in modern history can an example be found of a country maintaining a contest like that which this degraded Spain, and this degraded Spanish government, had so long supported. Never, in recent times, had 250,000 Frenchmen been so long in a country without subduing it. Spain was not subdued, but what effect upon the Spaniards such language as had been used that night might produce, it was impossible to predict!"

167 members divided against the ministry, leaving them a majority of 96. On a subsequent evening, when the address was again taken into consideration, Sir Francis Burdett rose. "The result," he said, "of all which he heard, was to confirm more and more the calm conviction with which he entered that room, of the necessity of a thorough, constitutional, and temperate reform. Never were men in such a state of self-abandon-

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ment as the ministry, after the numerous instances of their obstinacy, fatuity, and incapability, which had stigmatized the short period of time since their last meeting in that place; they had nothing to say for themselves, and could have confidence in nothing except in that assembly, in which there seemed to be a mysterious something, that might justify the most culpable in expecting not merely impunity, but protection. There were persons who thought the public danger might be averted by removing these ministers and appointing others in their stead. He could derive no hope from any such alteration. Change of men could do nothing; it was not to the tools, it was to the nature and design of the work itself that he objected; the real danger lay not in the ministers, but in that fatal and pernicious system, of which they were only the passive instruments. It was only by that system that the treatment which his majesty had been advised to give the first corporation in the kingdom could be accounted for, that insult inflicted by the crown upon the corporation of the city of London, which in bad times had been treated with respect, and in the worst of times had never been insulted with impunity. The present was not indeed a solitary instance of encroachment upon the right of petition: in the whole course of his present majesty's unfortunate reign, repeated instances were to be found of the same insulting indifference toward the exercise of this invaluable and indisputable privilege. He had another circumstance to advert to; when that meeting broke up last session, they were in possession of the foul and scandalous job respecting Chelsea Hospital. What would they now think when they were told, that, notwithstanding all his exertions to defeat that job, it had been recently concluded, and the grant made out! Did ministers suppose this was the way to stop further inquiry? On a future day he would move for the revocation of the grant, and follow up what he had begun in order to defeat this job."

After these preliminaries, Sir Francis delivered his opinion upon the king's speech. "The king's speech at the opening of parliament," he said, "ought to be a general exposition upon every prominent event and extensive operation that had occurred during the recess; and not a mere milk and water composition, full of unmeaning generals that could not be disputed, and the truth of which had neither importance nor application. The present speech said nothing of the state of our affairs in India; and as to what it did say, there was a passage towards the conclusion of it, that he thought deserved more animadversion than it had yet met with; he meant that part that was tacked to the speech, relating to a provision for the poorer order of clergy. He should be sorry to oppose any justifiable method of relieving the wants of that body of men, but never would he consent to do so by imposing additional exactions on a burthened and almost exhausted country. If the poor clergy were so indigent, they could not derive relief from a fitter source than the wealthy part of their own calling: the higher order of the established clergy were, in all conscience, rich enough to contribute to the necessities of the poorer class of their brother-hood; there could be no doubt that so opulent a body had the means to assist the individuals attached to it, and while they were so amply gifted with the means, it would be

invidious to express a doubt, that men of their profession would be wanting in the inclination. To the rich clergy, therefore, he would leave their poorer brethren, or to whatever benefit might be drawn from an application to that purpose of Queen Anne's bounty; in short, he would agree to any plausible expedient for their relief, but never would hear of wringing from the hard hands of honest industry the last shilling for such an application."

Sir Francis, after declaring in such language his opposition to a measure not merely unobjectionable, but of great and unmingled good, proceeded to other topics of complaint, some real, some imaginary, and all addressed more to the passions of an ignorant populace, than to the House of Commons. "The manner in which the taxes were collected," he said, "was vexatious, harassing, and oppresive in the extreme. He instanced cases where poor farmers were surcharged for dogs: there was no means of redress, but by means which involved the injured parties in greater expence than the fraudulent exaction amounted to. The tax itself was 20s., ten of which went into the informer's pocket; and in general the fraudulent surcharges went only to enrich the exactor, without contributing a mite to the treasury. Yet with our country in this state, we had had a jubilee! a general rejoicing, which he could only call a clumsy trick to thrust joy down the throats of the people. The most alarming changes were imperceptibly taking place among us, the country was set thick with barracks, and foreign mercenaries were daily introduced, without exciting comment or curiosity. The regiment of the Duke of Brunswick Oels,* who immediately before were stigmatized in the general orders of the Archduke Charles, as unfit to be employed in service with soldiers, were brought here to defend Englishmen,—Englishmen wanted no such defence. He had another monstrous innovation to reprobate, hateful to the constitution, and destructive of our liberties,—the practice of secret and solitary imprisonment; but at present he would forbear going into that subject. The insult to the city of London afforded a rallying point to every county in the empire to support the right of petitioning, and stand up together against despotism. If the king was not to be made acquainted with any thing, but through the polluted medium of his ministers, then were they on the brink of destruction, and all that remained of their freedom, and of their constitution, was lost. He was not one of those who could attribute all the misfortune and calamities of this reign to the influence of a malignant star—no star was necessary; there was something wrong in themselves, from which all these evils sprang. He could see in that room the root of all the evil. Here was the root; and the branches spread over and extended to every extremity of the country. Under their shade flourished no useful plants, nothing but noxious weeds. The fruits upon the boughs were tempting to the eye, but to the taste they betrayed the bitterness of ashes.

* The history of the brave and loyal men who are thus unjustly vilified, may be seen in our last year's volume, chapter 26. The manner in which Sir Francis implicates them in a charge of cowardice, is not the least reprehensible part of this very reprehensible declamation.

They knew the passage to which he alluded, and also knew what it was said ought to be done to the tree which was not good. Our corruption interfered with every branch of the state—it injured our navy, our army, our commerce—and ministers, at any price, must have a majority in parliament. There was a Roman, whose unremitting advice to the senate was, "Carthage must be destroyed;" so would he return ever to the same point, "This house must be reformed."

When Sir Francis had finished his harangue, Mr Yorke called upon the house to observe the remarkable manner in which he had spoken of the House of Commons, never designating them by that, their proper name, but calling them "this *assembly*, or this *room*, or this *meeting*." Mr Whitbread moved an amendment to the report, declaring that the house would, at the earliest opportunity, apply itself diligently to effect an economical reform. "Such a declaration," he said, "would be gratifying to a people, who had, with patience unexampled in history, submitted to a grinding system of taxation, at variance with the spirit of the constitution under which they had been accustomed to live." This Mr Perceval opposed. "The language," he said, "in which Mr Whitbread recommended his amendment, was such as could answer no good purpose, and the amendment itself could only serve to raise expectation in the people, which could not be gratified. His majesty had promised, that the estimates for the current year should be prepared with the utmost attention to economy, and that pledge was sufficient." The amendment was then negatived by 95 members against 54.

The first measure proposed in the House of Lords, was a vote of thanks to Lord Wellington. It was opposed by Earl Suffolk, who repeated his opinion, that the best mode of employing our troops in aid of Spain, would be to send them by 10 or 20,000 together on board our fleets, to be landed wherever they would be most useful. "By such a mode of warfare," he said, "Gerona, during its long and glorious defence, might have been relieved." Earl Grosvenor also opposed the vote, and made some judicious remarks upon the practice of ennobling men whose fortunes were not adequate to support the rank. "It was of importance to the country," he said, "that the peerage should not be thus bestowed, because, though no bad consequences might follow while the individual lived, the want of fortune was likely to render his successors dependant on the crown. The ends of military fame and reputation would be better promoted, if different orders of military merit were established; the same spirit of valour would be excited, and all inconvenience to the constitution avoided." Earl Grey denied that the battle of Talavera was a victory, and that it deserved any reward. "It had indeed been trumpetted as such," he said, "by his majesty's ministers, but in so doing they had practised an unworthy deception. Lord Wellington had betrayed want of capacity and want of skill, and the consequence had been most disastrous; nor indeed did we yet know the extent of the evil, for our army had been compelled to retreat into Portugal, where he feared it was now in a very critical situation, and where, from the unhealthiness of the position which it occupied, disease had made such an alarming progress among the *Jan.* 26.

troops, that he believed their number did not now exceed 9000 effective men.

Marquis Wellesley replied, "he knew the circumstances which had influenced his brother in all his movements during the campaign, and the plain statement of those circumstances triumphantly vindicated him. Against strange mismanagement," he said, "such unlooked for, such unaccountable casualties as had occurred during that campaign, and frustrated a plan so wisely contrived, no human prudence on Sir Arthur's part could provide. Concerning the necessity of a radical change in the government of Spain, his opinions," he continued, "were not unknown. But it surely was not to be expected that Spain could reach at once the vigour of a free government, just emerging as she was from that dreadful oppression which had broken down the faculties of her people,—from those inveterate habits and ancient prejudices which had so long contracted her views and retarded her improvement, and from that disconnection and disunion between her different provinces. The change which was desired could not be the work of a day. But were we therefore to desert the Spaniards in this crisis of their fortunes, and abandon them to the mercy of their cruel invaders? As for the circumstances which attended and followed the battle of Talavera, nothing more perhaps, in a military sense, could be said of the result of it, than that the British troops had repulsed the attack of a French army almost double their numbers, the efforts of which had been chiefly directed against them. But was there no skill, no bravery, no perseverance displayed in the mode in which that repulse was effected? Did no glory redound from it to the British arms? Had it not been acknowledged, even by the enemy, as the severest check they had yet sustained? That victory had saved the south of Spain from absolute destruction, had afforded time to Portugal to organize her army, and had enabled Lord Wellington to take a position where he might derive supplies from Spain, at the same time that he drew nearer to his own magazines. He should not attempt to diminish the disasters which afterwards befel the Spanish armies; both his noble brother and he himself had earnestly advised them to keep on the defensive; but, flushed with the victory of Talavera, and too sanguine of success, they advanced at all points, and the result had fatally justified the propriety of the advice which had been given them. This, however, was not the present subject. It was enough for him to have shewn that Lord Wellington had arrested the progress of the French armies into the south of Spain, and procured a breathing time for Portugal; that country was placed in a greater degree of security than at any time since it had been menaced by France, and such essential improvements had been introduced into the Portugueze army, that it would be enabled effectually to co-operate with the British troops. These advantages were fairly to be ascribed to the skill of Lord Wellington, and he did not hesitate to say, that his brother was as justly entitled to every distinction which his sovereign had conferred, and to every honour and reward which it was in the power of that house to bestow, as any noble lord who for his personal services had obtained the same distinctions, or who sat there by descent from his illustrious ancestors."

The debate was closed by Lord Grenville, who argued from the misconduct of the Spanish government

against our own. "Let the house," he said, "consider how much dependence the ministers had placed upon such a government as that of the Spaniards, and then reflect whether they would be justified in supporting them in a continuance of error. We were now told that great reliance was to be placed upon the co-operation of the Portugueze: he would only say, that they ought to judge of the future from the past; that they ought to recollect the retreat for want of co-operation; and that the remnant of the army was in a situation not dissimilar to that in which it was placed by its advance to Talavera."—The vote of thanks was opposed in like manner in the House of Commons by Lord Milton, by Mr Vernon, who chose so inauspicious a sub-
Feb. 1. ject for his first speech in parliament, by Mr Ponsonby, Lord Folkestone, Gen. Tarleton, and Mr Whitbread, who both on this occasion did some justice to the Spaniards, as it served to strengthen their argument against Lord Wellington. If the Spanish position had been forced, they said, it was clear that the right of the English army must have been turned;—the Spaniards, to whom Lord Wellington allowed no praise, whom he represented as taking no part in the battle, he was nevertheless necessitated to mention no less than five times in his dispatch. Mr Whitbread also remarked, that in the famous charge of the 23d dragoons, there was much to blame. There was almost a gulf between them and the enemy when they made the charge, and many were lost in consequence: this ought to have been known before; the ground should have been reconnoitred. Both speakers agreed in condemning Lord Wellington. General Tarleton said, that his dispatches were vain-glorious, partial, and incorrect; that he had been deficient in information concerning the amount and situation of Soult's army; and that he had been compelled to a precipitate retreat, after abandoning his sick and wounded. Mr Whitbread affirmed, that the battle had been more a repulse than a victory; nor could he, he said, withhold a tear, when he thought of the British blood which had been spilt in a sacrifice to incapacity and folly. The consequence of the battle was, that the army had no other retreat than that through Deleitosa, and their condition during that retreat was such, that many hundred perished on the road from mere famine. The Spanish cause, he concluded, was now more hopeless than ever. The motion received a powerful support from Mr Windham, who, setting all party views aside, followed on this occasion the feelings of his own generous nature. "The unproductive consequences of this victory," he said, "for a victory it was and a glorious victory, were not to be put in comparison with the military renown which we had gained; it was of much more service to the nation than the taking of a ship or a sugar island. Ten or fifteen years ago, it was thought on the continent that we might do something at sea,—that an Englishman was a sort of sea animal; but our army was considered as nothing. Our achievements in Egypt first entitled us to the name of a military power; the battle of Maida confirmed it; and he would not give the battles of Vimeiro, Coruna, and Talavera, for a whole Archipelago of sugar islands." The vote was carried in both houses without a division.

The subject was renewed when the house resolved itself into a *Feb.* 16. committee upon the king's message, recommending that a pension of 2000l. should be settled upon Lord Wellington, and the two next heirs to his title in succession. This measure was vehemently opposed. "With the grant of the peerage," Mr Calcraft said, "that house had nothing to do; he was sorry it had been conferred, but though there was no remedy for it, the house ought not to add to it the pension. Pensions and thanks might indeed be voted, but they could not permanently blind the country; whatever the public opinion might be now, he was convinced it would not be with ministers upon this subject a month hence, when the whole fruits of Lord Wellington's victories and campaigns would develope themselves to public view. It was mournful and alarming to hear that Lord Wellington had said he could defend Portugal with 50,000 men, provided 30,000 of them were British; for if the French were in earnest in their designs upon that country, before three months Lord Wellington and his army would be in England. Neither Portugal nor any other country could be defended by victories like that of Talavera."

General Crawfurd, in supporting the motion, said he believed Lord Wellington had many debts previous to his going to India, and that the money he got there might have gone to pay them; a peerage therefore might be an incumbrance without a pension. General Loftus also remarked, that he had always been one of the most liberal men in existence, and the state of his circumstances was therefore, he imagined, far from adequate to the support of the high dignity to which he was elevated. Sir Francis Burdett seized the occasion which was thus given him. "If Lord Wellington's liberality," he said, "had brought him into difficulty or debt, who was it they called upon to free him from the incumbrance? The people,—who already owed debts enough, not in consequence of any prodigality of their own, but through the impositions of their representatives. Surely when such was the case, they ought to be cautious that not a sixpence should be demanded without establishing the claim of a strong necessity. As to the military part of the question, he could only say, that the result was failure,—failure as complete as failure could be. But even if the occasion had been such as to deserve reward, he should object to making any appeal for that purpose to the people's purse. What was become of the patronage of the government? Where were the sinecures, which were always defended because they afforded a fund for such purposes as these! One valuable place, that of governor of Portsmouth, was lately vacant, and to which Lord Wellington might have been appointed; a tellership of the Exchequer, he believed, was now in the hands of the crown. Yet application was made to the people, and this by a government who, while they perpetually threw the burden upon the people, had greater means of rewarding merit at their disposal, than all the combined merit of Europe could possibly exhaust."

The same strain of argument was pursued by Mr Whitbread. "What was the objection," he asked, "to bestowing the government of Portsmouth in this manner? Was it because Lord Wellington was liable to be sent out of the country? Why, Junot was governor of Paris at the

time that he was fighting in Portugal; and there could be no reason why the governor of Paris should not be opposed by the governor of Portsmouth. Or there was the tellership; for whom was this reserved? Was it for any person who now felt uneasy in his seat, and wished to retire upon a comfortable sinecure? It was often said, that the expectation of one of those great places falling in, satisfied many a claimant: if so, why should not Lord Wellington wait for one of them? It was an important part of the question, whether, supposing the peerage in this case to have been merited, the circumstances of the new peer were such as to require the pension; for if they were not, it would be a scandalous waste of the public money. Nor was it necessarily to follow, that whenever the king was advised to grant a peerage to any officer, the House of Commons was bound to vote him a pension." After these remarks had been made, Mr Wellesley Pole rose and stated what the circumstances of his brother, Lord Wellington, really were. At the taking of Seringapatam he got 5000l.; in the Mahrattah war, 25,000l.; 4000l. from the Court of Directors, for acting as civil commissioner in the Mysore; and about 2000l. from government, as arrears of pay, allowances, &c. These sums, with some interest, made 43,000l. which he brought from India; about 3000l. had been spent, and half the remainder, together with 6000l. her own fortune, had been settled on Lady Wellington.

Mr Wilberforce then appealed to the house, whether, if Lord Wellington had devoted the great talents which confessedly belonged to him to the bar, or to any other liberal pursuit, he would not have rendered them infinitely more productive than it appeared that he had done by actively employing them in the service of his country? and he protested against the unjust and impolitic illiberality of opposing such a grant upon such motives. The same opinion was delivered by Mr Canning. "The victories of Lord Wellington," he said, "had re-established our military character and retrieved the honour of the country, which was before in abeyance. If the system of bestowing the peerage was to be entirely changed, and the House of Lords to be peopled only by the successors to hereditary honours, Lord Wellington certainly would not be found there. But he would not do that noble body the injustice to suppose that it was a mere stagnant lake of collected honours: it was to be occasionally refreshed by fresh streams. It was the prerogative of the crown to confer the honour of the peerage; it was the duty of that house to give it honour and independence. The question was, whether they would enable Lord Wellington to take his seat with the proudest peer in the other house, or whether they would send him there with the avowed intention that it was only to the crown he was to look for support. It was their duty to take care if the crown made a peer, that it should not make a generation of peers wholly dependent on its favour for their support."

There was a great majority upon this question, 213 voting for the grant, 106 against it. But the current of popular opinion in the metropolis set in with the opposition at this time; for the Walcheren expedition, like a pestilential vapour, clouded the whole political horizon. The common council presented a petition against the pension; a measure so extraordinary,

they said, in the present state of the country, and under all the afflicting circumstances attending our armies in Spain and Portugal under that officer's command, could not but prove highly injurious in its consequences, and no less grievous than irritating to the nation at large. In the military conduct of Lord Wellington, the lord mayor and common council added, they did not recognise any claims to national remuneration, and they conceived it to be a high aggravation of the misconduct of his majesty's unprincipled and incapable advisers, that they had, in contempt and defiance of public opinion, recommended this grant to parliament. There was neither reason nor justice in making it, and therefore they prayed that it might not pass into a law. When the second reading was moved, Mr Whitbread said he trusted that as this petition had been presented, the minister would not press it that day. Mr Perceval replied he saw no necessity for any such forbearance, and the bill past by a great majority, 106 dividing against 36.

Mar. 30. When the papers respecting the Spanish campaign were laid before parliament, Lord Grenville moved, that, before any others were printed, a secret committee should be appointed to select and prepare them. He prefaced this motion with laying it down as the duty of ministers, in such cases, to take care that the public councils of friendly governments should not be betrayed, and that no improper reflections should be made upon the governments themselves; that no publication should be made of the quarrels and disunions of the leading persons of such governments, or of those confidentially employed by them; and that it was, above all, a most sacred duty to take care that the safety and the lives of persons confidentially employed by them, or on the part of this country, or from whom information was obtained, should not be lightly compromised, or wantonly put to hazard. All these duties, he argued, the ministers had neglected. They had published, in the correspondence of their ambassador, flippant remarks upon the conduct of the Spanish generals and the junta; they had betrayed a private and confidential communication, by publishing a private letter from the Duke of Albuquerque. But the most serious charge against them was, that they had published circumstances by which the safety and lives of individuals were endangered,—by which their lives would assuredly be forfeited if they came into the power of the French. One instance was mentioned, where 700 defenceless prisoners were massacred in cold blood,—an act which nothing could justify; and another, in which information of the movements of the enemy was obtained. He would not name the persons who were thus unfeelingly alluded to, but he feared they had already suffered through this criminal misconduct of ministers.

Before these papers were printed, the executive government in Spain had undergone a total change, and this was the first answer which Marquis Wellesley made to Lord Grenville's charges. "The noble lord," he said, "appeared to have forgotten that the central junta, to whose conduct those papers referred, was actually extinct." Upon other points the answer was no less triumphant. "As for the opinions expressed respecting the Spanish generals, Cuesta in particular, nothing had been stated which was not notorious throughout

all Spain, in perfect conformity with the feelings of every officer and soldier in the Spanish army, and of every man attached to the Spanish cause. In the Duke of Albuquerque's letter also, there was not a sentiment which that brave and illustrious commander had not himself publicly and loudly proclaimed. Now, as for the persons whose names Lord Grenville had abstained from mentioning, no necessity existed for such affected caution, their names were well known both in Spain and France; the publication of their names, when accompanied by the mention of their hardy deeds, was one of the proudest distinctions to which the Spanish patriots aspired; these names had already been published in the Spanish gazettes, for the purpose of honour and fame, as Lord Grenville would have known had he been at all acquainted with the real state of Spain. So also respecting the 700 French prisoners who had been thrown into the Minho: what would be thought of the correctness of the information on which these charges against the ministry had been brought, when it was known that this action was notorious throughout Spain, and notorious to the French government; that Barrios, who inflicted the retaliation, for such it was, however dreadful, himself loudly proclaimed and boasted of it at Seville; that it was published in all the Spanish and French gazettes, and that Barrios had been publicly proscribed by name, by the French government.—Where then was the secret which had been disclosed? The transaction was public. Barrios had first made a solemn remonstrance against Marshal Ney's proceedings toward the Spanish prisoners, and failing in that remonstrance, retaliation had been ordered. That other instance, in which it was said the governor of Avila was exposed, was of the same description. Avila was in the hands of the French, the governor was in the French interest, a known and avowed traitor; the letters had not been betrayed by him, but were found upon a friar, to whom they had been intrusted. What danger then could accrue to him from the publication of these letters, which had also, with all the circumstances of the case, already been published at Seville? The noble lord then," Marquis Wellesley pursued, "has betrayed the utmost ignorance with respect to every point upon which he has touched; he stands convicted either of not having read the papers, or of not understanding them. The house, therefore, he trusted, would spare those imputations of indiscretion and neglect with which the government had been charged, and reject a motion which would deprive them of that full information necessary to guide their conduct. In these papers, and those which were yet to be produced, it would be seen that the weakness, the dissentions, and the corruptions of the Spanish officers and government, were the real causes of all the calamities which had befallen the Spanish nation. That knowledge would furnish the grounds of a better system of policy for Spain, and perhaps for England her ally. A material part of the correspondence consisted of his own dispatches; he implored their lordships that they would not permit any part of them to be suppressed, nor rob him of the advantage of a public manifestation of the conduct which he had pursued during his mission." The motion was then negatived without a division.

The affairs of Spain were once more brought before parliament, when the

Marquis of Lansdown moved for a vote of censure upon the ministers for rashness and ignorance.

June 8. The strong bias of party spirit did not prevent this distinguished nobleman from rendering justice, in some respects, both to his own countrymen and to Spain. "Whatever he might think of the policy which led to the battle of Talavera," he said, "or of its consequences, he should ever contemplate the action itself as a proud monument of glory to the general who commanded, and to the army who won that glorious and ever memorable day. No success, he affirmed, could be expected in Spain under such a government, or with armies so constituted and commanded as the Spanish armies, or where supplies could not be procured; these things ought to have been known; but these things were no reflection on the Spanish national character. The Spaniards had displayed acts of the most splendid heroism ever recorded: they had converted the walls of Zaragoza and Gerona into fortifications almost impregnable. The disasters of the Spaniards were imputable, not to the people, but to those who could suppose that a junta of persons put together in any manner composed a government, and that a crowd of men collected in any way was an army. Still he was ready to confide in the Spanish people, and to believe that much might yet be done by their efforts; and he cherished the hope, and would cherish it to the last, that if ever Europe was saved, our own country would be an important agent in that great event. But it was not by co-operating in rash expeditions with such armies as that of Cuesta."

Marquis Wellesley replied. He pointed out the solid advantages which had been gained during the last campaign, by securing Portugal, and giving time for the Portugueze to form an army, which was now in a state to co-operate with the British troops; he shewed also what advantages had been gained to the Spaniards, had the junta known how to profit by them, or followed the earnest advice which both he himself and Lord Wellington had pressed upon them in vain. Then, in a clear and masterly manner, he enforced the duty and necessity of supporting the cause of Spain. "Justly," he said, "had it been stated by the noble marquis, that if ever Europe was to be delivered, England must be the great agent in her deliverance; and justly he might have added, that the fairest opportunity for effecting that deliverance opened, when Spain magnanimously rose to resist the most flagrant usurpation of which history records an example. Not only were we called upon by the splendour, the glory, the majesty of the Spanish cause, to lend our aid; a principle of self-preservation called upon us also: these efforts on the part of Spain afforded us the best chance of providing for our own security, by keeping out of the hands of France the naval means of Spain, which Buonaparte was so eager to grasp, knowing they were the most effectual weapons he could wield against the prosperity and the power of Great Britain. The views of Buonaparte, in his endeavours to subjugate Spain, were obvious, even to superficial observers. The old government had placed at his disposal the various resources of that country, but the old government was feeble and effete; and, however subservient to his will, he knew it was an instrument which he could not pitch to the tone of his designs. He therefore

resolved to seize upon the whole peninsula, and to establish in it a government of his own. He may have been prompted to this partly by his hatred to the Bourbon race, partly by the cravings of an insatiable ambition, partly by the vain desire of spreading his dynasty over Europe, partly by mere vanity: His main object was, that he might wield with new vigour the naval and colonial resources of Spain, to the detriment of Great Britain. This alone could suit the vastness of his designs; this alone could promise to gratify his mortal hatred of the British name. By the entire subjugation of the peninsula, and the full possession of its various resources, he knew that he should be best enabled to sap the fundamental security of these kingdoms. Therefore, how highly important was it to keep alive in Spain a spirit of resistance to France! There were no means, however unprincipled, which Buonaparte would scruple to employ for the attainment of his ends. To him force and fraud were alike,—force, that would stoop to all the base artifices of fraud,—fraud, that would come armed with all the fierce violence of force. Every thing which the head of such a man could contrive, or the arm execute, would be combined and concentrated into one vast effort, and that effort would be strained for the humiliation and destruction of this country. Universal dominion is, and will continue to be, the aim of all French governments; but it is pre-eminently the object to which such a mind as Buonaparte's will aspire. England alone stands in the way of the accomplishment of that design, and England he has therefore resolved to strike down and extirpate. How then were these daring projects to be met? How, but by cherishing, wherever it may be found, but particularly in the peninsula, the spirit of resistance to the usurpations of France. If we have saved the navy of Portugal; if we have saved the Spanish ships at Ferrol; if we have enabled the Portugueze government to emigrate to their colonies; if we have succeeded in yet securing the naval and colonial resources both of Portugal and Spain; how have these important objects been achieved but by fomenting in both these kingdoms a spirit of resistance to the overwhelming ambition of Buonaparte? To this end must all our efforts be now directed. This is the only engine which now remains for us to work in opposition to Buonaparte's gigantic designs.

"Why then should we depart from that salutary line of policy? what is there to dissuade or discourage us from adhering to it? I can discover nothing in the aspect of Spanish affairs that wears any thing like the hue and complexion of despair. If, indeed, it had appeared that this spirit began to languish in the breast of the patriotic Spaniards, if miscarriages, disasters, and defeats had been observed to damp the ardour and break down the energies of the Spanish mind, then might it be believed that further assistance to the Spanish cause would prove unavailing. But, fortunately for this country, not only is there life still in Spain, but her patriotic heart still continues to beat high: The generous and exalted sentiment, which first prompted us to lend our aid to the cause of Spain, should therefore be still maintained in full force, and should still inspirit us to continue that aid to the last moment of her resistance.—The struggle in which Spain is now enga-

ged is not merely a Spanish struggle. No, my lords, in that struggle are committed the best, the very vital interests of England. With the fate of Spain the fate of England is now inseparably blended. Should we not therefore stand by her to the last? For my part, my lords, as an adviser of the crown, I shall not cease to recommend to my sovereign to continue to assist Spain to the latest moment of her resistance. It should not dishearten us that Spain appears to be in the very crisis of her fate; we should on the contrary extend a more anxious care over her at a moment so critical. For in nations, and above all in Spain, how often have the apparent symptoms of dissolution been the presages of new life, and of renovated vigour? Therefore, I would cling to Spain in her last struggle; therefore, I would watch her last agonies, I would wash and heal her wounds, I would receive her parting breath, I would catch and cherish the last vital spark of her expiring patriotism. Nor let this be deemed a mere office of pious charity; nor an exaggerated representation of my feelings; nor an overcharged picture of the circumstances that call them forth. In the cause of Spain, the cause of honour and of interest is equally involved and inseparably allied. It is a cause in favour of which the finest feelings of the heart unite with the soundest dictates of the understanding."

Earl Moira and Lord Sidmouth concurred with the Marquis of Lansdown, in condemning ministers for the manner in which they had conducted the war in Spain, yet still expressing hope for the issue. Lord Holland spoke to the same purport. "Those," he said, "who disapproved of our interposing at all in the cause of Spain, and those who were interested in the success of that cause, must equally condemn the course which ministers had taken. If indeed there was any difference, it must be on the part of the friends of Spain, who must feel peculiarly mortified by the disappointment of their wishes, through the misjudging policy of those ministers: he was one of those so mortified, for no event had ever excited a more lively interest in his mind, not even the dawn of the French revolution. He condemned ministers for having sent out Mr Stuart and Mr Frere without any adequate instructions, particularly with regard to that most important point, the arrangement of a system for conciliating the minds of the Spanish people, by a redress of their grievances, and a restoration of their rights. He condemned them also for neither having sent out a sufficient force, nor given proper instructions or adequate provision to that force which they did send. He dwelt upon the importance of supporting Spain to the utmost, pointing out the perilous facilities for the invasion of Ireland which Cadiz and Lisbon would afford to the French, if those ports were suffered to fall into their hands. And if, after all her efforts, Spain should ultimately be subdued, his advice to this country respecting the Spanish colonies was, that it should promote the establishment of such a system of government there, as good statesmen could alone approve in any country; a system founded upon the opinions and wishes of the people." Thirty-three peers voted for the motion of censure, sixty-five negatived it.

CHAPTER II.

Lord Porchester's Motion for an Inquiry into the Walcheren Expedition. John Gale Jones committed to Newgate. Lord Chatham's Memorial. Debates upon that Subject, and upon the Expedition.

IN the debates upon the affairs of Spain ministers were completely triumphant. Some of their opponents accused them of having done too much, others of having done too little, and some would fain have persuaded the people of Great Britain, that their brethren had obtained no victory at Talavera. The charge which was brought against them of having taken no measures for conciliating the Spanish people, by obtaining for them a restoration of those political rights which had been so long withheld, was abundantly disproved by the papers laid before parliament. There it appeared that Mr Stuart, Mr Frere, and Marquis Wellesley, had each of them pressed upon the existing government the necessity of convoking the cortes. The great error which the ministry had committed, was in their almost total neglect of Catalonia. In the commencement of the struggle this fault was not imputable to them, but to the general, who, upon his own responsibility, disobeyed his instructions to convey his army to that most important scene of operations: the effects of that fatal error were to a certain extent irremediable; but no subsequent attempt was made, and the French were suffered to take fortress after fortress, without an effort on our part to relieve them. Still the conduct of administration toward Spain was far more worthy of commendation than of censure,—it had been brave and generous: our own safety and the welfare of mankind were deeply at stake; but while we had every motive of policy for assisting the Spaniards in their struggle, the assistance was given in a manner worthy of the noble people who gave, and of the noble people who received it.

The result of any discussion upon this subject was anticipated by the public; they, in spite of the efforts of a few factious news-writers, and of the journalists, who told us, with a want of feeling more disgraceful even than their want of foresight, that the Spaniards had * "only a little hour to strut and fret," continued to feel concerning Spain like freemen and like Englishmen. What might be

* Edinburgh Review.

the issue of the inquiry concerning the Walcheren expedition, no man could foresee; the ministers evidently looked to it with apprehension, their antagonists with eagerness and with hope, and the people with anxious solicitude; for, condemning as they did that lamentable measure, none of its unhappy effects appeared so mischievous as the victory which it might afford to opposition, and their consequent return to power. In the first week of the session, Lord

Jan. 26. Porchester moved for the appointment of a committee, to inquire into the policy and conduct of this expedition, "not a select or secret committee," he said, "before whom garbled extracts might be laid by ministers themselves, in order to produce a partial discussion, but a committee of the whole house, when the house might have a fair case before them, because they could examine oral evidence at the bar. The object which he proposed, was to put his majesty's ministers upon their trial. Was a measure so productive of calamity, so pregnant with disasters, to escape inquiry, or were its authors to escape punishment? He did not blame the choice of a commander. Although Lord Chatham was not one of those officers whom Fame had noticed among her list of heroes—although he was not one of those who "in camps and tented fields had bled"—although he was much more familiar with the gaieties of London or the business of office, than with the annals of military experience or glory—yet he did not complain of the appointment of such an officer to command such an expedition. He was, in fact, the most appropriate person that could be chosen. Had it indeed been a wisely-planned expedition," said Lord Porchester, "I should say, that it ought to be intrusted to an intelligent commander—to one who possessed the confidence of the army—to one experienced in modern warfare, as this was not the time for making hazardous experiments. But, abortive and impracticable as the plan was, I should have thought it a pity to have the character of an officer of that description exposed to sacrifice, by rendering him responsible for the success of a measure which it would be impossible for such a man to comprehend or execute. No, Lord Chatham was the fittest man for the station. This ill-fated expedition was the favourite bantling of ministers. It required to be fostered by parental partiality, for it could have no claim to rational attachment. Such an expedition could be understood by themselves alone, and one of themselves alone was fit to command it. If ever there was a time when inquiry was necessary to satisfy the wishes of the public, to consult the safety of the country, it is at present; at this moment, which may be well considered the most awful crisis that ever suspended the destinies of a mighty empire—a crisis rendered more alarming by the sentiment that universally and justly prevails, with regard to those to whom the administration of our government is committed. In these men the country has no confidence whatever: the country can have no confidence whatever. They are fallen to the lowest ebb in public estimation."

The previous question was moved by Mr Croker, and supported by Mr Perceval, on the ground that "the papers upon this subject, which had been promised by his majesty, would be laid before the house in three days, and they would then have the means of judging whether any, or

what species of inquiry was necessary. Why institute an inquiry, when they might have the necessary information before an inquiry could possibly be set on foot? The reason of this indecent precipitancy was, that it was not inquiry for which they contended, but the removal of ministers." But the sense of the house, as well as the temper of the people, was against them. The necessity of not even appearing to baffle or delay investigation, was urged by Mr Bathurst and Mr Wilberforce. Sir William Curtis rose to give his assent and support to the motion. General Grosvenor demanded inquiry in the name of the army, and Sir Home Popham in that of the navy; and the passions of the house were appealed to in every way by an opposition which knew its own strength and the strength of the case. "The enemy," said Mr Ponsonby, "has told us that it was the genius of France conducted the British armies to Walcheren in the late expedition. But no! It was not the genius of France, it was the demon of England, nurtured into malignant influence by the base dissensions and unprincipled cabals of a weak, divided, insincere, and incapable administration—an administration ill thought of by all, suspected by themselves, and despised by the country; an administration, a constituent member of which was engaged in a low and unmanly conspiracy to expel from his station another constituent member of it; an administration, at the head of which now stands this minister, who, though an intrigue of this base, ungenerous and unmixed quality, was in progress for months, has been obliged in this house to offer up in his own defence, that he was innocent, because he was ignorant! This is the picture which he and his colleagues have drawn of themselves. What need was there that genius should confound what unequalled ignorance had devised? What needed our enemy to interpose his great power, or his greater abilities, when he had our ministers for auxiliaries? Why array the highest talents, to oppose the efforts of incapacity the most evident—to frustrate the councils of insufficiency the most degrading? Behold at the head of the nation's councils a minister, who, knowing that after this intrigue for months had terminated in an agreement to remove a colleague from an active and efficient situation in the cabinet, under the alledged imputation of his incapacity to discharge the functions of office, yet still suffered him, though thus pronounced incapable, to retain for months his office of war secretary, upon no other ground save that he could not reconcile the communication to his feelings. Where were his feelings for the people of England? Where were they for the liberties of Europe, whilst he suffered an incapable minister to remain in office? Where did the feelings of the right honourable gentleman slumber, when the best blood of the empire was left to putrify in the poisonous air of Walcheren, there, amidst pestilence and death to linger, and to perish, in order to afford a colourable pretext to the noble lord for retaining office until the minister of England could reconcile to his feelings the communication of Lord Castlereagh's acknowledged incapacity?"

Mr Windham, abstaining from any of these personal invectives, dwelt wholly upon the point in debate. "The vote," he said, "ought to be carried by acclamation: it would be a reproach for ever to the character of parliament, if it suffered its atten-

tion to be diverted for one single day by any vain delusive hope held out from the production of papers. To satisfy that house that inquiry was necessary, it had only to look to Walcheren, to consider the termination of the expedition, and to contemplate the present state of the army that was sent there. Search the military annals of Great Britain, and there was no precedent of such extensive, complete, and unqualified failure. The greatest possible failure might take place, and still no blame attach any where. It was not that the expedition failed, but that it could not succeed, that the house and the country had to complain of. It was generated in calamity, and your troops were marched from their own shore direct to destruction. There were none of those extraordinary obstructions encountered which have often been so fatal to the best arranged operations; nothing in the conduct of the officers—no impediment from wind and weather; and the events proved, that where our troops came in contact with the enemy, success was the uniform consequence. Neither could there be traced any interruption to our eventful success through the fortune of war—a cause too frequently decisive upon some of its greatest and most extensive operations. It was demonstrable that this expedition had failed, and solely failed, from pre-existing causes. Why ministers did not know of them, was a part of his accusation and their misconduct. They should have been aware of the nature of the climate, of the poisonous air of Walcheren. But the event proved, that they either did not know of them, or, knowing, that they disregarded them. They marched the British army to its grave, to be extinguished amidst the pestilential air of Walcheren, to go out like a candle in a vault. In every view the house could take of the question, it must appear evident upon their own shewing, that ministers had completely failed. If it was taken up as a foreign object, with a hope of affecting the state of events at that time in Germany, its object was wholly frustrated; and if it was considered solely as a British object, the calamitous result, in that case, completely contradicted its purpose. The great and uncontrolable cause of the failure, arose from the utter impossibility that it could succeed."

Upon the division, ministers were left in a minority of 186 to 195. The opposition journalists were loud in their triumph, anticipating the fulfilment of all their hopes; they were solicitous to keep the public attention fixed upon this subject, and this only; and as in the cases of Lord Melville and the Duke of York, to hurry on parliament by the acclamations of the people. A series of circumstances as unexpected as they were strange, diverted the public feeling, and the ministry were extricated from a perilous situation, by events which they could neither foresee nor controul. The day before the inquiry began, Mr Yorke gave notice that he should enforce the standing order of the house for the exclusion of strangers, "not," said he, "with any wish to keep their proceedings from publicity in due time, but to guard against the possibility of any misrepresentation or misunderstanding out of doors before the minutes should be published." After this had been once enforced, Mr Sheridan moved that a committee of privileges should be appointed to consider this standing order. "Would

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it be endured," he said, "that the country should be deprived of that information which it was most alive to be possessed of; that it should be kept in complete ignorance of what parliament was doing at one of the most awful moments of its existence? for surely it would not be contended, that the papers printed by order of that house could by any possibility circulate throughout the mass of the population of these kingdoms; and even were those documents so circulated, they would only convey the mere questions and answers. All the interlocutory discussions would be suppressed, and perhaps questions of the most vital importance for ever withheld from the knowledge of the public. He was ready to believe, that ministers did not wish to screen themselves by such an expedient; and even if they did, he was sure that Mr Yorke would have disdained to be their instrument for any such purpose. But such a measure could not fail of being highly repugnant to the feelings of the public, as well as highly injurious to the interests of the nation; and a House of Commons which regarded its own character, and respected the opinion of its constituents, should not resist the feelings of the public at a time like the present."

The person who immediately rose to reply was, as might have been expected, Mr Windham, who, with characteristic manliness, never failed to brave unpopularity when those principles were called in question, concerning which his opinions were equally decided and consistent. "What," he asked, "was the value to their constituents of knowing what was passing in that house? Supposing they should never know, it was only the difference between a representative government and a democracy. Till within the last 20 or 30 years, it was not even permitted to publish the debates. He was one of those who liked the constitution as it was; he did not like it as it is. If this practice had been tolerated, winked at, and suffered, it was no reason that it should on all occasions be continued, and that persons should make a trade of what they obtained from the galleries, amongst which persons were to be found men of all descriptions; bankrupts, lottery-office keepers, footmen, and decayed tradesmen. The proprietors of papers had talked of the injustice of closed doors. This was taking up the subject as if the admission of strangers into the gallery was a privilege, but it was no such thing; and though he might perhaps think it useful to let it continue after having so long prevailed, he did not allow it to be a privilege. Were that the case, we should come into a state of democracy—a state like that of Athens. He did not think accounts in the daily papers were so desireable as many others did. They had lately exposed themselves, and reviled government so far as to assert, that some of their contemporaries were in the pay of government. What did this prove? not the value or actual importance of papers; but it clearly shewed that if government could have them in their pay, then papers were liable to be let for hire—to be bought and sold—and that the press, which had been thought in this country the palladium of its liberty, was always to be purchased by the highest bidder. He did not wish to establish such a power in the press as to enable it to controul parliament. He did not know any of the conductors of the press; but he understood them to be a set of men who would give into the corrupt misrepresentation of

opposite sides; and he was therefore determined not to lend his hand to abrogate an order which was made to correct an abuse. He now saw that it led to consequences of a most mischievous tendency—no less than to change the character of a representative government, which presumed confidence in the representative body, into that of a democracy, in which every thing was done by the people; and led directly to that despotism which had so lately desolated other countries."

Sir Francis Burdett spoke upon this occasion in a manner equally characteristic. "He must subscribe," he said, "to many of the doctrines which Mr Windham advanced, because they were constitutional, and he only found fault with them as inapplicable to the present situation of the country. If he could see in that house a body of gentlemen fairly and freely elected by the people as the chosen guardians of their rights—if he could see no placemen or pensioners within those walls, and if no corrupt or undue influence could ever be supposed to operate on the minds of any of the members of that assembly, then, indeed, he should see no particular objection to the inquiry being conducted in secret, and the evidence being given to the public in the manner that was now proposed. Unfortunately, however, the case was different, and the house stood in the eye of the public in a very opposite situation. They stood before the country under circumstances of great suspicion. It had been considered by some, that in point of character they were on their last legs. As for his part, he greatly feared that they had not a leg to stand upon."

Sir Francis was called to order for this language. Mr Sheridan, to whom this praise is certainly due, that he has been as consistent a politician as Mr Windham himself, did not lose the opportunity of displaying himself upon so popular a topic. "To some of Mr Windham's opinions," he said, "he had listened with regret and even horror. The friendship which he had long entertained for him, and his regard for his right honourable friend's character and honour, struggling with his own sense of public duty, had made him, for the first time in his life, almost wish that the public had been excluded from hearing his opinions. Give me," said Mr Sheridan, "but the liberty of the press, and I will give to the minister a venal House of Peers—I will give him a corrupt and servile House of Commons—I will give him the full swing of the patronage of office—I will give him the whole host of ministerial influence—I will give him all the power that place can confer upon him to purchase up submission and overawe resistance; and yet, armed with the liberty of the press, I will go forth to meet him undismayed; I will attack the mighty fabric he has reared with that mightier engine; I will shake down from its height corruption, and bury it beneath the ruins of the abuses it was meant to shelter.

"I am not one," he continued, "of those who think or speak despondingly of the situation, or degradingly of the character of the country. Great Britain stands on a proud eminence, struggli g as she is, and successfully struggling as I hope she will be, for the liberties of the world. But to what is it owing that she is able to maintain such a contest, and bid defiance to that powerful enemy, who has already vanquished every power against which he has directed his victorious arms, and tram-

pled upon the rights and independence of the prostrate nations of Europe? All this I can attribute to the effects of the liberty of the press alone, and most particularly and emphatically to the unrestrained publication of the debates and proceedings of parliament."

But, however ably Mr Sheridan enforced his arguments, the sense of parliament was decidedly against him. It was felt that for the house to suspend a privilege of such importance in condescension to public opinion, would be in fact, as Mr Windham represented, to render popular opinion paramount: 166 members therefore voted against the motion, and only 80 for it. A debate of this kind became naturally the subject of much conversation, and about a *Feb.* 19. fortnight afterwards, Mr Yorke complained to the house of a breach of privilege which had arisen from it. His conduct had been made the subject of discussion at a speaking club, called the British Forum, and their hand bills, which were stuck upon all the walls, stated, that "after an interesting discussion, it was unanimously decided that the enforcement of the standing orders, by shutting out strangers from the gallery of the House of Commons, ought to be censured, as an insidious and ill-timed attack upon the liberty of the press, as tending to aggravate the discontents of the people, and to render their representatives objects of jealous suspicion." The same handbill proposed as a question for their next night's meeting, "Which was the greater outrage upon public feeling, Mr Yorke's enforcement of the standing orders, or Mr Windham's recent attack upon the liberty of the press?"—This Mr Yorke complained of, as a gross violation of the privileges of the house. "Either," he said, "those privileges existed, or they did not; if they did, it was the bounden duty of the house to defend them from those gross and wanton attacks, which not only invaded them, but went in a great degree to question whether they had such privileges or not. The attack of which he complained was not a mere newspaper paragraph, it was a placard stuck upon the walls of the metropolis, challenging the eye of the passenger, and openly defying all consequences. A grosser breach of privilege could not be imagined, and if that house did not speedily take measures to vindicate their privileges, they would be supposed either not to possess, or to want spirit to assert them."—This also, like the enforcement of the standing orders, was a thing in which the house had no choice, and the printer of the handbill was accordingly ordered to attend at the bar on the following evening.

The printer appeared, and stated that John Gale *Feb.* 20. Jones was the author of the handbill. "He himself," he said, had been employed by him in printing such papers for three or four years, and had not seen the contents of the one in question till the whole impression was thrown off. He humbly begged pardon of the honourable house for his offence, and declared that he was ready to give up the manuscript, and to prove that it was the hand-writing of John Gale Jones." The printer upon this was committed to the custody of the serjeant-at-arms, and Gale Jones ordered to attend on the morrow. On the morrow Gale Jones appeared, and the speaker addressed him, saying, "A complaint had been made to that house of the publication of a scandalous and libel-

lous handbill, reflecting on its proceedings; the printer of that handbill alleged that he was the author, what had he to say in his behalf?" Gale Jones replied, "I acknowledge, sir, that I was the author of that paper, and I am extremely sorry the printer has experienced any inconvenience on my account." Being then asked if he had any thing more to say in his behalf, he proceeded in these words: "I sincerely lament that I should have incurred the displeasure of this honourable house; and I trust they will not consider that in what I have done I was actuated by any sense of disrespect to its privileges, or the persons of any of its members individually; or that I had any other motive in mentioning the names of the two honourable members alluded to, save that they happened to be connected with a subject of public discussion. I have always considered it the privilege of every Englishman to animadvert on public measures and the conduct of public men; but in looking over the paper in question again, I find that I have erred: I beg to express my contrition, and I throw myself on the mercy of this honourable house. The House of Commons, which is an important branch of the constitution, has always had my unfeigned respect."

The speaker now put the question, that Gale Jones had been guilty of a gross breach of the privileges of that house; which was carried without a dissentient voice. Mr Yorke then rose, and having appealed to those who knew him best, whether, during the twenty years he had been a member of that house, he had ever evinced a disposition for personal severity, observed that, from the frequency of these offences, it was high time some measures should be adopted effectually to check them, and that the house ought to mark its sense of its own dignity by making an example of the person at the bar. He moved therefore for his committal to Newgate; and this also was voted unanimously, as a measure which followed of course, according to the practice of parliament. Mr Yorke next presented a petition from the printer, with whom all persons were agreed it was proper to deal as leniently as possible; he was therefore reprimanded, and discharged without the payment of any fees.—Here the matter rested for a while: of so little import was it deemed, that the most violent of the demagogue writers did not even notice it in his journal, and the public attention continued to be almost exclusively fixed upon the inquiry.

Among the papers which were laid before parliament, was a "Copy of the Earl of Chatham's statement of his proceedings," dated 15th Oct. 1809, but presented to the king 14th Feb. 1810. The tenour of the narrative was to impute blame to the naval part of the expedition. "Whether," Lord Chatham said, "the failure arose from insufficient arrangement on the part of the admiral, or was the unavoidable result of difficulties inherent in the nature of the expedition itself, was not for him to offer any opinion upon to his majesty, considering it entirely as a naval question." This narrative was not among the papers originally presented to the house; it had been specifically moved for by General Loft. Lord Folkestone said, "that he then felt strong doubts as to the propriety of producing it; but he had now no hesitation in declaring it as his decided opinion, that it was such a document as the house ought not to receive, or allow to remain on the *Feb.* 19.

table. For what did it purport to be? A narrative of the expedition, signed by the military commander, and presented to his majesty without the intervention of any responsible minister. How did the house know that it was a true copy of the document said to have been so presented? Through what office had it passed? and by what accident did it come into the hands of the Chancellor of the Exchequer, by whom it had been laid on the table? But his main objection was of a constitutional character. Lord Chatham had, not in his character of a peer or privy counsellor, but in that of a military commander, presented to the king in person an account of his military proceedings, although directed under the sign manual, by which he was appointed, to make such communications through the proper officer, the secretary of state, whom the constitution recognised."

Upon this Mr Canning observed, that the error in point of form might be corrected by withdrawing the paper, and presenting it in a regular way, stating whether the document had been presented to his majesty by the secretary for the war department, or by Lord Chatham; and if by the latter, in what capacity. This, he said, was the simplest course of proceeding; but he remarked, that all orders from that house relative to public documents were addressed to some responsible minister, who was officially answerable for their production, and that all papers of this nature were generally presented to his majesty through some responsible minister: great inconvenience indeed must obviously result from a different course.—Mr Perceval now informed the house, that when, in pursuance of General Loft's motion, the paper had been ordered, he found it to be in the hands of the secretary for the war department, to whom it had been delivered by the king, and from whom the copy which had been laid on the table was received.—Lord Folkestone now repeated, that he was sorry the paper had been called for, and sorry it had been produced, because it had found its way to the royal presence in a most unconstitutional manner; and his objections were considerably aggravated by a knowledge of the contents, for it now appeared to be a special address from the commander of one part of the expedition reflecting upon the conduct of his colleagues, and appealing to the judgement of his majesty, without the intervention of any responsible minister.

It was asked by Mr Yorke, What there was unconstitutional, if the paper was presented in the regular way to the king by a cabinet minister, who was also master-general of the ordnance, and a peer of the realm?—There was a loud cry of Hear! hear! at this, upon which he grew warm, and asked, What gentlemen meant by that exclamation? If they meant that he did not understand the constitution of his country, they were deceived: if they meant more, why then no expressions of scorn and disdain which he could use to repel such insinuations would be strong enough.—Mr Tierney replied to this, that he must then come in for a share of this scorn and disdain, for he certainly should contend, that not only was the paper introduced unconstitutionally into the royal presence, but that the character of the navy had been clandestinely undermined by it. And this secret practice of poisoning the royal breast with doubts and suspicions of his most approved and zealous servants, while it deprived them of the knowledge, and of course the means of repelling them, deserved im-

peachment.—As for impeachment, Mr Perceval said, he regarded it merely as a bye-word; but he could assure the right honourable gentleman who had thought proper to use it, and others also, that neither in that house nor out of it would such allusions tend in any degree to promote the object which they had in view in prosecuting this inquiry. There was no one circumstance, he affirmed, connected with the paper for which there was not an adequate responsibility. Lord Chatham was responsible, if there was any thing culpable in its character and construction; and he himself was responsible for the production of the copy to that house. Had not Lord Chatham or any other individual a right to lay a paper before his majesty? Nay, had not any peer or privy counsellor a right to demand an audience of the king?

Mr Ryder and Mr R. Dundas maintained the same doctrine. But their antagonists had a strong case, and did not fail to press it home. "Leaving alone for the present," Mr Windham said, "the contents of the paper, which he trusted would ere long become the subject of their most serious consideration, their present business was with the mode and form in which it came before them, and this was wholly repugnant to every practice which past experience and the principles of the constitution warranted. For instance, they knew by what means the paper had come to them from the king; but could they say who was the author, by what organ, or through what channel it had reached the royal presence? On the face of it it appeared to have been unofficial, and to have been delivered privately into the king's closet; and they could neither constitutionally nor decently look for evidence from that august quarter. Who then could say that the earl was either the author or deliverer of the paper? It might be said, that he was that night to be examined at their bar, and the difficulty would be solved by asking him the question; but what if his lordship refused to be examined? The paper, therefore, came in so questionable a shape, so contrary to every precedent and practice grounded on the principles of the constitution, that the house was bound not merely to reject, but to censure it."

The charge was pressed more vehemently by Mr Whitbread. "Was this communication of Earl Chatham," he demanded, "known to the ministers, or unknown? An address from the city of London had been presented, praying for inquiry; to which his majesty was advised to answer, that he thought no inquiry necessary. Lord Chatham could not have been consulted as a minister upon this answer; for he must have said, that inquiry into the naval part of the expedition, at least, was necessary. How, then, did he stand as one of his majesty's responsible advisers? If ministers did not know of this communication, then they deserved impeachment for advising such an answer to the metropolis. If they did know of it, and Lord Chatham was a party to their answer, then his conduct was reprehensible in the extreme. Mr Perceval had said, that every man might have access to the king: Why then was not the city of London admitted? But Lord Chatham, as a favourite, might do what others could not; and ministers might try to persuade that house of their responsibility, when they knew that the very way in which they got into power was by means of their irresponsibility. Mr Perceval spoke lightly of impeachment; but if the house did not impeach him and his col-

leagues, then all their rights and privileges were indeed gone. He accused his opponents of envying him the possession of his place. For all the gold," exclaimed Mr Whitbread, "that human sinews, bought and sold, could ever earn, I would not be in his situation! We do indeed wish to turn him out, for the salvation of the country; but even out of office, I trust that punishment will follow him."

Mr Williams Wynne spoke more temperately, and with that parliamentary knowledge which distinguishes his speeches. "If," he said, (following Mr Windham's argument) "the house thought proper to impeach Earl Chatham, what evidence of the narrative could they produce to the House of Lords? The cases of Lord Bristol, and of the Seven Bishops, were exactly in point: the difficulty was found in those cases; and was the house, with these precedents before their eyes, going to put themselves in the same situation?" He then called on the speaker for his opinion, saying, there never was an occasion in which the house stood so much in want of his assistance.—The speaker said, "he had kept back with the intention of forming and giving the best opinion his judgement and ability would allow. There were precedents. In 1776, the house thought proper to call for a memorial delivered to his majesty in his private closet by an imperial resident. In that, as in the present case, his majesty had graciously condescended to send by the proper channel, one of his privy council, the paper asked for, to which the house was entitled to give full credit. Lord North had presented several similar papers, and was considered *prima facie* accountable for them. These precedents, in his opinion, left the house at full liberty to discuss the merits of the narrative,—a point upon which he did not presume to touch."

Three days afterwards, *Feb. 22.* Lord Chatham was examined before the committee. He stated, that the report in question had been prepared, as it purported by its date, on October 15th; but it had not been delivered then, because he did not think it right to state, in fact, what would constitute his defence in case of any inquiry, whether civil or military. He had submitted it to the cabinet after it was delivered to the king, and on the same day.—Was that, he was asked, the only memorial on the subject of the expedition which he had delivered to the king? was there no other paper, narrative, memorial, or memorandum of any sort?—Lord Chatham twice evaded the question, and when it was a third time repeated, he made answer in these words: "This paper is my official report of my proceedings. When I am asked with respect to any other paper, or to any other circumstance not coming under that description, I do not feel myself at liberty to enter at all into any examination of that sort, and I must beg to decline any answer to the question put to me."

On the evening after this examination, *Feb. 23.* Mr Whitbread moved an address to his majesty, praying that copies of all papers submitted to him by the Earl of Chatham at any time, concerning the expedition, might be laid before the house. "The tenour of Lord Chatham's answer," he said, "was such, as induced a strong suspicion that he had presented some other document to the king, and he called upon the house to consider the circumstances in which Lord Chatham stood. Having been in the command of the ex-

pedition, and having access to the king as a privy counsellor, he had used that privilege for the purpose of putting into the king's hand a paper reflecting on the conduct of the officers associated with him in that enterprise. In all his public dispatches not a single imputation nor insinuation was to be found against them; on the contrary, he had expressed the most unqualified approbation of their conduct: yet now he had thrown such imputations on the navy as were calculated to put the two services at issue. Now, taking it for granted that some prior document had been presented, (and if this were denied by any friend of Lord Chatham, he would sit down, and say not another word on the subject) taking that for granted," he continued, "which was not denied, that prior document ought to be called for in justice to the navy, and in maintenance of the principles of the constitution. There was reason to suppose that there were still lurking in the closet of the king papers of great importance upon the subject of the inquiry: there was reason to suppose that those papers contained charges against the naval commander, the narrative already produced containing imputations which only stopt short of charges. When a military commander took such an advantage of his situation as a minister, and of the personal access he had to his majesty, it was a system of favouritism which the house must hold in perfect abhorrence, which the constitution knew nothing of, and which was not reconcileable to the idea of a limited monarchy. If such a system was allowed, it would confound all distinctions between those monarchies that are called limited, and those which are acknowledged to be absolute. The most determined democrats never brought a stronger charge against any monarchy, than that favourites had ready access to the ear of their sovereign, and secret opportunities to poison his royal mind against brave and deserving men, who had no means of defending themselves against such attacks; inasmuch as minions had always a ready access to the sovereign when they had not."

Mr Ryder replied, "that there neither was, nor had been in any office under government, any paper, report, memorandum, or narrative, upon the subject in question, communicated by Lord Chatham, other than that which was then upon the table. But even supposing that such a paper as that which Mr Whitbread had imagined did actually exist, as it had never been communicated to his majesty's ministers, he could not understand what possible reply they could advise his majesty to make to an address from the house under such circumstances. It would be, in fact, to open the private escrutoir of his majesty."—Mr Ryder laid himself open to a severe reply. "Was this language," said Mr Ponsonby, "was this doctrine for a secretary of state to hold to a British House of Commons? Did the right honourable gentleman, a cabinet minister, not know where to find a paper delivered by the commander-in-chief of an expedition to his majesty, without searching the king's private escrutoir? Did he think that such a paper was of the nature of a private and confidential communication? If that were the case, every other general, who happened to be a favourite, might at any time go up to the king, and privately put into his hand statements tending to prejudice his royal mind against the most brave and meritorious officers, who might thus have their characters most foully calumniated, without the least notice or suspicion, and

therefore without a possibility of defending themselves. The first and greatest benefit which arose to the public from the exercise of a right such as that possessed by the house was, that all secret machinations for poisoning the mind of the sovereign against his best servants were by it rendered impossible; because whoever presented to his majesty any private memorial, such as that alluded to, was responsible to the public for its contents, and because the ministers who suffered such a memorial to be presented, or who, after the presentation of it, attempted to shield the individual by whom it had been presented, were responsible to parliament and the public for their conduct. If this were not the case, in what would the monarchy of England differ from the most absolute monarchy that ever existed? If this were not the case, a system of favouritism would be introduced into the country, as pure, as palpable, and as perfect as ever prevailed in France or in Spain The right honourable gentleman had advanced a doctrine of the most reprehensible description. He had produced in debate the name, personal character, and honour of his sovereign, for the purpose of protecting an administration. Would he say, that his majesty was disposed to wink at the calumniation of a brave officer like Sir R. Strachan, or that he would allow Lord Chatham, by insidious representations, to deprive an officer of such long and approved service of the well-merited estimation of his king? Such a supposition was as opposite to the character, to the integrity, to the virtue, to the honour of his majesty, as it was conformable to the dark spirit of low intrigue which influenced the councils of his present ministers. To cover their own imbecility, to hide their own dissentions, his majesty's personal character had been dragged by them into that discussion."

To this Mr Perceval made answer, "that the address was called for upon two assumptions, which were not true in fact: first, that some prior communication had been made by Lord Chatham to the king; and secondly, that in that prior communication he had calumniated the naval officers. They might with just as much propriety demand the production of any other imaginary document whatsoever." Replying then to what Mr Whitbread had said on a former night, he affirmed, "that though, when the answer to the city address was given, the existence of this narrative was certainly unknown to him, yet, now that he had deliberately considered its contents, he could state, that nothing which it contained would have induced him to advise a different answer. Lord Chatham had merely stated his own case, leaving the admiral to account for those naval circumstances, in which, as he supposed, the impediments to the expedition had originated. But for himself, it appeared to him perfectly clear, that not the slightest blame attached to the gallant admiral, and that the delay which had taken place was solely imputable to the weather and the local difficulties."

Sir Home Popham now addressed the house. "He was justified," he said, "in assuming that the paper did really exist, because no person ventured to deny its existence; yet even now, if Mr Perceval would state that no such paper existed, he would not say another word.—Its existence then was not denied. He knew that Sir Richard Strachan did feel that serious insinuations against his con-

duct were contained in the narrative already before the house; and what was still more grievous was, that if he should refute and repel every charge which it implied, he could have no security that a second statement would not be produced, and then a third, and so on, statement upon statement, and edition upon edition." Sir Home Popham called upon the house "not to regard this as a party question; it was a question of justice to the navy, and to an admiral whose life had been devoted to the service of his country; who had frequently and gloriously distinguished himself in that service, and whose merits had been rewarded by that house with the highest distinction it could bestow, and the most substantial proofs it could give of its marked approbation. All the dispatches of Lord Chatham conveyed the most unqualified approbation of the conduct of the navy. It was reserved for his narrative, composed on the 14th of October, and since revised, re-read, corrected, altered, and amended, to convey a different impression. He trusted the house would not be persuaded, by fallacious or sophistical arguments, to vote against the production of a paper, necessary to the ends of justice, and the effectual prosecution of the inquiry."

Mr R. Ward observed, in behalf of the Admiralty, that as soon as the first lord knew such a narrative had been presented, he lost no time in informing Sir R. Strachan, telling him also, that if he deemed it expedient to make a statement in reply, it would be his duty to become the channel for transmitting it to his majesty. Not, he added, that it was the desire of the Admiralty to call for such a statement.—But no speech was listened to with more attention than Mr Canning's. "It was greatly to be lamented," he said, "that ministers had not instituted proper inquiries into both branches of the expedition, naval and military, and by that means prepared themselves to meet parliament. The general opinion was, that blame must rest somewhere, and it was highly important that the country should know to whom it was really imputable. He should naturally have supposed that one of the first steps would have been to call for narratives of their transactions, both from Lord Chatham and Sir Richard Strachan; and he actually came prepared on the first day of the session to ask for those narratives, but was withheld, because he was told that government had not required nor obtained any such statement. A narrative, however, had since been found to exist, which, though written on the 14th of October, did not make any part of the documents on which government formed its opinion, that no inquiry was necessary. The house was hereby placed in a very embarrassing and almost unprecedented situation. Lord Chatham was, it was true, at the time of the expedition a cabinet minister and a privy counsellor; but as soon as he accepted that command, he became as responsible for his conduct as any other officer in the army, or any man in the ranks. This being undeniable, he could not see upon what principle that noble lord had a right to cut out for himself a royal road to the king's audience; nor could he conceive upon what ground the present motion, considering the state in which the house found themselves, should be resisted. He believed in his conscience, that if the papers did exist, they were in idea greatly exaggerated; but he would fain believe they

did not exist at all. If the narrative had gone through the usual medium to the king's hands, he should then most certainly have thought that they did not exist; but having first got into the king's hands, and then being made official, and the same advisers having thought proper not to make them official if they did exist, a strong presumption arose that they were not such as ought to be made official. But on this ground they could not properly be withheld."

The debate was concluded by Mr Whitbread. "He had heard Mr Canning," he said, "with delight, not only because it was the first time he had ever happened to experience his support, but also because the speech was marked with all that peculiar character of reasoning and ability of statement, which belongs to that right honourable gentleman. It was indeed free from those sallies of wit and humour which were wont to excite such pleasure on the ministerial benches; but Mr Canning had no reason to regret the silence with which his speech was heard, for if he was not so loudly and liberally cheered to-night, he never delivered a speech which his old friends so strongly, perhaps so severely felt.

"Were there no other papers upon the subject presented to his majesty by Lord Chatham? I believe," continued Mr Whitbread, "in my conscience, that there were, and I call upon any man in the house to lay his hand upon his heart and say, after all that has past this night, that he does not believe so. Some of the speakers on the ministerial bench have endeavoured to maintain that Lord Chatham's proceeding was perfectly justifiable. Is it to be inferred that they would feel it justifiable to follow such an example—that any of them would deem it right secretly to memorial his majesty against the conduct of a colleague? Possibly, if they could open the king's escrutoir, such a memorial might be found—perhaps a similar manuscript to that on the table against the whole of the right honourable gentlemen; a complaint from Lord Chatham, that so imperfect or unfounded was the information with which his colleagues had furnished him, and so clumsily contrived their arrangements, that he found it impossible to execute the object of the expedition. What if the lord chancellor were to have a peep into his majesty's escrutoir, might he not have occasion to exclaim in the words of The School for Scandal—but no; his lordship was too pious to swear, although another chancellor might:—'A memorial from Mr Perceval against Lord Chatham, by all that's wonderful;—and another from Lord Chatham against the minister, by all that's damnable.'—Really from the conduct these ministers were so ready to vindicate, and from that course which they were so liable to pursue, the worst consequences were to be apprehended, if it were not for the character of the monarch under whom we lived. But if such ministers had been in existence at the close of the 17th century, under the wily sovereign who then sat on the throne, he would have encouraged them to memorial against each other, he would have kept alive dissentions among them—he would have by such management put each of them in his power, and through them he would have ruined the country. Such a king's escrutoir might well be supposed like the lion's mouth which once received the secret information which treachery communicated to the government of

Venice, and which often led to destruction. In the narrative under consideration, some striking features of that species of information may be recognized; for it attempted to blast the fame and prospects of a body of gallant officers. But the papers still kept back might be still worse. They must, however, be brought to light. Such a practice as Lord Chatham's conduct disclosed must be exposed and reprobated, or responsibility was a mere name, and there would be an end of even the forms of the constitution. Some gentlemen, even among my own friends," he concluded, "are pleased to say, that they pity the minister. I cannot, however, feel any pity for such ministers; for to their own conduct is attributable all the difficulty, distress, and odium, which attach to their condition and character; but I pity that country which has the misfortune to be placed under the government of such men; and if they retain that government long, I have no hesitation in saying, that England must be the victim of their discordance between each other, and their general mismanagement. Is it possible to reflect upon any part of their recent conduct without a feeling of indignation? How was their answer to the city of London to be accounted for? Were they in the habits at all of consulting with each other? Had they any conversation with Lord Chatham, with the writer of the narrative on the table, before they returned that answer? Did they not even meet at cabinet dinners?—They might have had their cabinet dinners, but if they went to cabinet suppers, let them go to one after this night's debate, with what appetite they may!"

178 members voted for the address, being a majority of 7. Ministers were thus a second time left in a minority. When the house next assembled, the king's answer to the address was reported. It was in these words: "The Earl of Chatham having requested his majesty to permit him to present his report to his majesty, and having also requested that his majesty would not communicate it for the present, his majesty received it on the 15th of January last, and kept it till the 10th of this month, when, in consequence of a wish having been expressed by the Earl of Chatham, on the 7th of this month, to make some alterations in it, his majesty returned it to the Earl of Chatham. The report as altered was again tendered to his majesty by the Earl of Chatham on the 14th of this month, when his majesty directed it to be delivered to his secretary of state, and his majesty has not kept any copy or minute of this report as delivered, at either of these times, nor has he had, at any time, any other report, memorandum, narrative, or paper submitted to him by the Earl of Chatham, relating to the late expedition to the Scheldt." *Feb.* 26.

When this answer had been delivered, Mr Whitbread, premising, that in the question which he was about to put, he wished to be understood as being animated with the most sincere veneration for the crown, and not less for the wearer of it, demanded of Mr Perceval, Who was the privy counsellor, a member of that house, who took his majesty's pleasure upon the address?—No answer being immediately returned, Mr Whitbread continued, Am I to understand that the right honourable gentleman will not, as a member of this house, give an answer to the question I have put?—

Mr Perceval then replied, that although it was the ordinary courtesy in that house to answer questions put from one side to the other, yet, from the menacing manner in which the question was put, he felt it his duty to decline answering till he was called upon by a vote of the house.—This reply produced its proper effect. Mr Whitbread made answer, that if there had been any thing menacing in his manner, it was far from his intention, and he sincerely begged pardon for it. If, however, said he, the right honourable gentleman is determined to persevere in his silence to my question, it will be most certainly my duty to bring it forward in a more formal manner. But wishing, as I do, to divest him of the idea that I intended to convey it in an uncourteous manner, I take leave to put it again.—Mr Perceval then answered, I was the privy counsellor that took his majesty's pleasure upon the address.

Feb. 27. In a subsequent examination, Lord Chatham, being questioned concerning this narrative, said he had requested to have it returned to him, because he wished to make some alteration,—to leave out a passage in it; having done this he tendered it to the king, by whose commands he gave it immediately to the secretary of state, without its passing into his majesty's hands.—He was then asked if he could state the substance of the alteration; to which he replied, it was a passage towards the close of the report, containing rather matter of opinion, or speculation, or rather discussion, which he thought would be better out of the report, as not according with the rest of the narrative, that being merely a statement of facts. After so long an examination, he could not take upon him to recollect the passage, or to state the substance of it.—Mr Whitbread lost no time in pursuing the subject. He moved two resolutions; the first stating the facts of the case; the second saying, that the Earl of Chatham, by private communication to his majesty, accompanied by a desire of secrecy, did unconstitutionally abuse the privilege of access to his sovereign, and thereby afford an example most pernicious in its tendency to his majesty's service, and to the general services of the state.—Mr Whitbread stated clearly and strongly the circumstances which required this vote of censure; he dwelt upon the tendency of Lord Chatham's conduct to produce dissention between the army and navy, and he touched upon a topic which was in a peculiar manner associated with the name of Chatham. "We are now," said he, "approaching the close of a long reign. As a monarch has his peculiar virtues, so has every reign its characteristic features. Most truly can we say of the revered sovereign of these realms, that his virtues are his own, and that whatever evils have occurred, are to be attributed to the servants who have been successively in the enjoyment of his confidence. What, then, has been the characteristic feature of this reign? Have we not been told, that from its very commencement there has existed a secret, mysterious, and unconstitutional influence, which has set at nought that responsibility which the constitution demands from the advisers of the crown? Has not such a communication been made within the walls of this house, by him who had carried the reputation of this country to the zenith of its glory—who, by his unsullied and exalted patriotism, had acquired that title superior to what united kings could bestow,

March 2.

namely, that of the first commoner of England; I mean him, afterwards created William Earl of Chatham? In power and out of power, in favour and in disgrace, that ever to be venerated statesman felt the malignant influence of this secret and monstrous conspiracy, which, as he declared, existed behind the throne, and was greater than the throne itself. But, if its existence was heretofore problematical, we have it now before us unmasked and unravelled. Strange fatality! that in the son of that very man who first made the bold and aweful annunciation, we should find one of the agents of that occult influence which the father so long deprecated and so long resisted.—Long has that fatal influence been but too successful in the accomplishment of its mischief! Vain have been the past efforts to resist or to expose it. Though certain in the realization of its views, it disappeared before it was detected. Whoever were the ostensible servants of the crown; however great and salutary the principles of their policy, or the objects of their administration, their labours were counteracted; their just expectations disappointed. However incessant the toil to weave the web, in one night, in one hour, this invisible power was able to unravel it. That his majesty is not in any degree to blame, I am ready to admit; and that his sacred feelings are not to be violated by the course which I propose, is what I also contend. If his honour and his interests have been too long sacrificed to such an unconstitutional influence, it is right that his eyes should be at length opened; opened at the moment when this power is detected in its criminal influence, and unconstitutional exercise. It is right that parliament should declare, that the constitution of this country never will admit of any other advisers, but those who are the avowed, ostensible, and responsible servants of the crown."

Lord Chatham was defended by General Craufurd, who argued, that if any intention of prejudicing the king against Sir R. Strachan had existed, this was not the way in which the earl would have proceeded. Had he not daily opportunities of personal communication with his majesty, and could he not have had any one of those opportunities for conveying his accusations verbally, in a way which could leave no trace behind, instead of making his statement in a written narrative, which he knew must remain as a document, and which he meant should some day become official? Mr Bankes pursued the same strain of argument; and replying also to a speech of Mr Brougham, who had expatiated upon the constitutional obligation of the members of the cabinet to act in concert, he reminded that gentleman, that as the cabinet council was totally unknown to the constitution, he apprehended it would not be easy to find any act or statute where the relative duties of the members were defined. "The constitution," he observed, "was an old work; there were many editions of it, and every one had his own reading. But he should tremble at the consequences, if once a majority should take upon itself to give an arbitrary interpretation of the text. If a member of the cabinet should give his sovereign advice without consulting or communicating with his colleagues, that would be an offence to them, but no violation of the constitution. Lord Chatham was entitled to a direct access to the king: it could not be contended but that he might constitutionally give an account of his

proceedings, and it was perfectly optional whether he gave it orally or in writing."

Mr Stephen spoke on the same side, with less ability than usual. Having so distinctly and forcibly pointed out the perilous consequences of some of those measures which the opposition were pledged to pursue, he dreaded their triumph as the worst danger which threatened the country; and thinking the present question a trifle, compared to that great, and not improbably approaching evil, that strong impression prevented him from seeing the question in its true light. He admitted that Lord Chatham had acted erroneously and unbecomingly, but because a thing had a dangerous tendency, it was not therefore to be visited in the way the present motion suggested. There were other things more dangerous,—party spirit, and factious combination!—Loud cries of Hear! hear! were repeated at this from the opposite benches.—"Yes," he said, "he knew he had touched the spring by which that opposite party were most easily moved,—which vibrated with most elasticity in their bosoms. Party-spirit and factious combination were infinitely more dangerous than the influence of the crown. It was wished not to wait till the inquiry was concluded, but to cut the matter short; for that would be the result of adopting these resolutions." The cries were now renewed from the opposition.—"I am quite accustomed," he pursued, "to be answered by these O. P. arguments from the other side. I hope we shall be spared the O. P. dance! As soon as those gentlemen found they were likely to be disappointed in their great hopes from the inquiry, of making it the means of accomplishing their grand aim,—the turning out of ministers,—then they introduced this episode, which was calculated to hurry on, at least in part, the intended catastrophe. If they were to be disappointed of turning out all the ministers, they hoped at least, by this motion, to get quit of one of them. I do not ask indulgence for this noble person because he was the son of one, and the brother of another William Pitt. I do not appeal to the Catos and Brutuses on the other side. But when I heard the tones of this noble lord at the bar of that house, and observed his features, they recalled strongly to my mind the recollection of the latter illustrious man, now mouldering in the tomb. I have received no favours from the late Mr Pitt. I was scarcely known to him. There were gentlemen in that house, however, who stood in a very different situation. I call on them to assist me. I call on them to see that the son of Lord Chatham, and the brother of Mr Pitt, should at least have justice done him. I am not one of those who think that the merits of an illustrious father should excuse the offences or even the faults of the son; but at the same time I would not pluck stones from the monument of the father to bruise the head of the son: the noble lord was used in this manner on the present occasion, when certain passages were quoted from the speeches of the illustrious father in support of the heavy charges against the son."

The best defence, or rather apology, was made by Mr Perceval. "Publicity," he said, "and not secresy, was Lord Chatham's object when he gave in that narrative; it was unquestionably his intention to make it public at some time, though, from some particular circumstances at the moment, he wished it for a short time to be kept secret. Had it been delivered without this request of secresy, there

would have been nothing in his conduct in the least degree illegal or unconstitutional. In the direct communication with his majesty, there was nothing improper. He did, however, conceive that it was unconstitutional to make that direct communication with the charge of secresy; but it was a venial error, from which no practical inconvenience had occured. The only thing that appeared to him to lead to inconvenience was, that a cabinet minister, employed as a general, united in himself the situations of master and servant; and afterwards, when he approached the sovereign and presented the narrative, he appeared to unite also the opposite character of judge and party. A vote of censure on this occasion would deeply affect Lord Chatham in his official character and honour; and thereby prejudice him upon the inquiry, which was yet pending; and the justice of the case might be as well satisfied by adopting the previous question, which would imply that the offence was of a nature so slight, as not to call for a serious judgement."

But weightier arguments were adduced on the other side. Mr Adam pressed upon the house the perilous consequences of Lord Chatham's conduct, in a speech of much legal and constitutional learning. Mr C. W. Wynn spoke with great ability to the same conclusion. "It was impossible," he said, "that the House of Commons could declare such conduct not only not erroneous, but justifiable. That would be holding out to all military men encouragement to follow the same practice. It would in any such case be open to them to give in any statement containing any charges against other officers, with a request of secresy, and without communicating it to the confidential servants of the crown, at least those who were formerly considered confidential servants: and then, if it was likely that the paper would be called for by that house, all they would have to do would be to demand the statement back, and expunge such passages as contained the most objectionable charges. It had been argued, that the statement was not official till it was given to the secretary of state;—there was an end of all responsibility of ministers if such a doctrine were admitted. All that any minister need do in that case to avoid responsibility, would be to say, that any advice which he might have conveyed to his sovereign was a private communication."

Mr Canning declared, "that if the house intended to follow up these resolutions by any violent measure, such as an address for the removal of Lord Chatham from his majesty's councils, certainly he should not vote for it. Nor was he prepared to go the whole length of the second resolution; but thinking that an offence had been committed which it was necessary to notice, he proposed an amendment to this purport, that the house saw with regret that any such communication should have been made to his majesty without the knowledge of the other ministers; that such conduct was highly reprehensible, and deserved the censure of the house." To this amendment Mr Whitbread assented. In his concluding speech he made a lively reply to the true statement of Mr Stephen, concerning the end at which the opposition were aiming. "The continual cry is," said he, "you want to get them out.—Why, so he did, but he found it impossible. Repeatedly as they were knocked down, still they got up again. He could kill a man, but he could not kill this phan-

tom of an administration. The Chancellor of the Exchequer reminded him of a scene in a Neapolitan puppet-show, where a duel takes place between Punch and his antagonist, and poor Punch is run through the body. His friend comes, and with great signs of grief applies his mouth to his ear, and asks him if he is dead; upon which the latter springs up, and cries *Bah!* So with the right honourable gentleman opposite: notwithstanding the repeated defeats he has sustained during the session, at the very moment that you expect to hear nothing more of him, up jumps the little fellow, and says, I am alive!"

The previous question was rejected by 221—a majority of 23. Mr Whitbread's first resolution was then carried, and Mr Canning's amendment of the second. Mr Whitbread then moved, that the resolutions should be laid before his majesty by such members as were of the privy council.—Some members exclaimed, By the whole house!—But this called up Mr Wilberforce and Mr Bragg Bathurst, who both expressed their hopes that nothing of passion or personality should appear upon the proceedings of the house.—The remonstrance of these respectable members was effectual; and Mr Whitbread, in a manner which did him honour, admitted the propriety of their remarks; declared himself perfectly satisfied with having carried the constitutional question, and said he should therefore cheerfully withdraw his motion. The next measure would have been to follow up the vote of censure by an address, praying his majesty to remove the Earl of Chatham from his councils, but this the earl prevented by a timely resignation of all his offices.

It was immediately reported, that the Earl of Mulgrave would now go to the ordnance, and that Mr Yorke would succeed him at the admiralty; but these appointments, though, as it appears, now decided upon, did not take place for some weeks. Mr Yorke was at this time the most unpopular man in the kingdom; and that unpopularity was aggravated by his acceptance of a tellership of the Exchequer,—the very sinecure which, it had been argued by the opposition, should have been conferred upon Lord Wellington instead of a pension. The public feeling upon the subject was strikingly exemplified, when Mr Yorke, having consequently vacated his seat, offered himself again as a candidate for the county of Cambridge, which he had represented for twenty years. As soon as he appeared at the county meeting, upon a little gallery in front of the Rose inn at Cambridge, a cry of Clear the gallery! was set up, so loud and so general, that he and his friends were scarcely suffered to address the people; and when the high sheriff had with difficulty obtained a hearing for him, he was presently interrupted. His opponents, on the contrary, were listened to with eager attention. "Was he not," they said, "the man who, upon the investigation of the Duke of York's conduct, had revived the old exploded cry of a jacobinical conspiracy? Had he not constantly stood forward during that inquiry to browbeat the witnesses, and to calumniate those who had patriotism and intrepidity enough to appear as accusers? Nay, he went farther than any one dared to follow him,—he even proposed the imprisonment of Mrs Clarke during an adjournment, by way of caution, lest any one should have access to her. Had he not told us, that if he could have foreseen the evidence which would

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have been produced on that business, he would have shut the door of the House of Commons in the face of the people,—which he actually had done in the Walcheren inquiry, to deprive the people, as far as was in his power, of the benefit of that inquiry, when all his efforts to prevent it had proved vain. But the people had him now in a tangible shape! and could comment on the language and conduct of the Teller of the Exchequer, without the risk of his sending them to Newgate. Of every measure which had for its object to increase the burthens or diminish the privileges of the people, he had been the zealous advocate." "What was his history? said one of these orators: he first tried the bar, then set up as parliament man, and, making use of your credit and your capital, this has turned out a very profitable concern. You appointed him a guardian of the public purse, and now, with your money in his pockets, he has the hardihood to require you to place him again in the same situation. Gentlemen," continued the speaker, "I am, like most of yourselves, a plain farmer, and I ask you this plain question. If a shepherd whom we had appointed to watch the flock, had not only suffered another to steal the sheep, but had actually feasted with him on the mutton, and clothed himself with the wool, should afterwards have the effrontery to ask us to take him again into our service, what would be our answer?"

This language was in character as well as in place. But Mr Brand and the Marquis of Tavistock availed themselves in like manner of the license of the hustings to cast aspersions upon Mr Yorke, from which the very frankness and intrepidity of his conduct, even when he was most erroneous, ought to have protected him, if his generous and honourable character had not been sufficient. "When he closed the doors of the house," Mr Brand said, "it might have been supposed to arise from his inveterate hatred to publicity of all kinds; but it had now been fully proved, that he acted only in accordance with the wishes of the ministry. For no sooner was he precluded, by his acceptance of the sinecure, from continuing in his seat, than Lord Louvaine,—a lord of the Admiralty, one of the administration,—succeeded to the pleasing duty of expelling the public. That fact was undeniable, and he that had not intellect to understand it, was almost incapable of conceiving any thing. Mr Yorke was now a placeman, and when he took that place he forfeited every title to public character." The Marquis of Tavistock spoke in terms not less violent. "If Mr Yorke," he said, "had boldly and manfully accepted a constitutional place in the king's councils, his conduct would not have been liable to these animadversions. In such a case the country would have been in some degree secured by his responsibility, and he himself would have had the satisfaction to feel, that if at any time a difference of opinion should arise between him and his official colleagues, it would be open to him to resign his place, and conform to the dictates of his own judgement. But he now stands," said the marquis, "in a quite contrary situation. He is the hired advocate of ministers, and has received his retaining fee. He must now defend their errors, and palliate their ignorance. He cannot abandon them without incurring the imputation of that worst vice of which human nature is susceptible—ingratitude."—

Lord Francis Godolphin Osborne was proposed against him; and Mr Yorke, having no hope of success, declined the contest, and was returned for the Cornish borough of St Germains.

The fickleness of popular feeling is proved by every year's experience, and when ministry had determined to make Mr Yorke first lord of the Admiralty, it seems as if they delayed the appointment till the ebullition of resentment had spent itself. They well knew that in such things the chance of accidents may be trusted to with perfect safety. Lord Mulgrave continued at the head of the navy, and no master of the ordnance had been appointed five weeks after the office was vacated. Mr *April* 17. Whitbread then asked Mr Perceval, if it were true that Lord Chatham, notwithstanding his resignation, still continued to act as master-general, to draw the salary, and exercise the patronage appertaining thereunto?—He was told in reply, that he had transacted the daily business of the office, as was necessarily done in all patent places, till a successor was appointed; but that he had merely done this, and had abstained from advising in the cabinet, carrying in reports, &c. to his majesty, or doing any other official act, these things having devolved in the interim on the lieutenant-general of the ordnance.—Mr Whitbread replied, with more violence than the occasion justified, that this was a gross and scandalous delusion practised by ministers on the house and on the country, and he asked, whether, in point of fact, Lord Chatham still received the salary of the office?—Being informed that he did, because, while he performed the duties, he was entitled to receive it; he expressed a hope that he would do so no more, to prevent the disagreeable necessity of bringing the question before parliament.

Meantime the examination of evidence upon the Walcheren expedition was concluded, and the important trial of strength came on. Lord Porches- *March* 26. ter moved two strings of resolutions, purporting that the expedition was undertaken under circumstances which afforded no rational hope of adequate success, and at the precise season of the year when the disease which had proved so fatal was known to be most prevalent; that the advisers of this ill-judged enterprise were therefore deeply responsible for the calamities with which its failure had been attended, and that their conduct in delaying the evacuation of Walcheren called for the severest censure.—These resolutions he prefaced by a view of the evidence. "The expedition," he argued, "had been undertaken against the opinion of the best military authorities which had been consulted; and its failure had verified every prediction, and realised every fear expressed by all those most competent to decide upon its policy and practicability. There were as many plans for it as there were departments concerned. Lord Castlereagh's plan was, to make a dash, which disdained to stop at the most desperate risks and appalling dangers; the plan of the Admiralty was, not to hazard the navy in a most intricate navigation; the Chancellor of the Exchequer's plan was, not how to support his allies, not how to affect the war in Germany, not how to turn in favour of Austria the equally-poised fortune of that woeful campaign,—all his attention was absorbed in calculating upon that arrangement which should convey the expe-

dition with the least possible quantity of dollars, totally overlooking that axiom in war, that bullion was as necessary as powder and shot, and when well applied not less operative. What plan the secretary of state for foreign affairs was most particularly attached to, he could not tell; but it was probable that just at that time he had some little plan of his own, which he did not communicate to his colleagues. The admiral appeared to have a plan, but the commander-in-chief appeared to have no plan at all; throughout the whole of his examination, it was clear that he had at no time during the campaign considered of any plan at all, neither was there any pointed out to him in the instructions of the government. One might have thought that a general sent out at the head of such an expedition as that, in which the whole disposable force of the nation was employed, should have formed some idea of the operations he was to conduct, and the sieges he had to undertake. It never had entered into the heads of any set of men but these ministers to sent out an expedition in such a way. The whole army was sacrificed by its having been sent out without knowing that the expedition could not succeed but after several sieges, when the only chance of success rested upon the possibility of accomplishing its object without any siege at all.

"It had been said, that the expedition had the elements to contend with: it had a much more dangerous enemy in that pestilential climate at that pestilential season. The disease to which the army had been exposed was well known to professional men, and must have been known to ministers, because Lord Mulgrave commanded in Walcheren in 1794, when his troops suffered under it, and he knew that on their return they fell victims to its destructive influence. Yet no medical men had been consulted, either as to its means of cure or of prevention! As to the unprecedented delay in sending out medicines and medical assistance, he was not disposed to attribute all the blame to government, but to the effect of that miserable subordination of departments, which required that such applications should pass through three or four offices before it could arrive at the department whose duty it was to comply with them. The secretary who conducted the affairs of the war should possess a controul over every inferior department, and issue the necessary orders directly to each. But why was the evacuation delayed when the ulterior objects of the expedition had been relinquished? why was not the army then immediately withdrawn from this frightful scene of contagion and death?—This fatal expedition, the most calamitous in which the country had ever been engaged, had involved us in national disgrace, almost in national despondency. It had failed not through any defect of courage in the men who were employed in it, nor of precaution or talents in the persons who commanded, but entirely through the ignorance, rashness, and impotence of those who planned it. It was the bounden duty of the house to visit such impolicy and misconduct with its utmost indignation. The resolutions which he moved were most lenient, for he too, like his countrymen, had an inclination to mercy. But had he called for justice, he had not power to word his resolutions in terms sufficiently strong; language had no terms of censure strong enough for men who had suffered their countrymen to fall victims to a deadly climate, without a prospect of their

country being benefited,—who knew this, saw this, and yet, for the sake of a little pelf or power, grinned at it without remorse;—men who daily told them they were the only fit persons to govern the country, they were the friends of majesty, had the confidence of their sovereign, and were the only fit persons to rally round him!"

Lord Castlereagh began the defence of ministers; he spoke at great length, and never displayed more ability than in defending the most unfortunate and most impolitic of all his measures. "Government," he said, "was called upon to answer, not for an expedition of which the principal object had been defeated upon trial, but for one which in its ultimate object had never been tried at all. Mr Whitbread had said on a former occasion, in describing the impotence of the attack and the power of the enemy to repel it, that the lion of France had swept off the fly with a lash of his tail; but he ought to recollect, that it was not the strength of the enemy which swept us off. It was the force of the elements that first thrust us aside from our object, and the overwhelming power of disease that at a later period of the operations stood between us and their accomplishment." He then contended, "that it was not to be supposed government had formed their decision upon the written military opinions: the opinions of military men given freely in discussion were infinitely more advantageous; and it was to be remembered, that they had the advantage of two professional opinions within the cabinet; they had repeated communications with professional authorities in both services, and were possessed of much information respecting the state of the enemy. The expedition could not have been ready sooner,—that had sufficiently been proved by the inquiry; it had been proved that the utmost exertions had unremittingly been employed to prepare the army for service, and that neither the army itself, nor the means of transporting it, could possibly have been ready sooner. Neither could our force have been directed elsewhere;—this also had been proved. Our means of foreign expenditure depend upon the state of exchange, and the supply of foreign coin to be purchased in the market; and though that difficulty had since been in a great measure removed by importations of silver from South America, that resource could not then be relied on. In no quarter of the continent, neither in Italy, nor in Spain, nor in the north of Germany, could the pecuniary means have been procured for equipping and maintaining the army then disposable; our exertions, therefore, were necessarily limited to an operation on the enemy's coast, to be carried on by our own resources alone, and in connexion with our shipping.

"The calamitous sickness of the army had thrown over the whole of the expedition its most painful character; but when the expedition was decided upon, the apprehension of sickness was confined to that part of the force alone which was destined to serve in Walcheren; that which was to land at Sandvliet, and act against Antwerp, would have been employed in a healthy country. The landing of so large a portion of the troops in South Beveland, and their long detention there, arose entirely from unforeseen causes, and were utterly inconsistent with the plan. That plan was neither ill imagined nor ill arranged; the information which government had obtained

was ample and correct: the aid afforded to Austria was important, and must have been effectual, had not the fatal battle of Wagram taken place; even as it was, troops which would have else been marched to the Danube, were drawn from all sides for the defence of Antwerp. The expence had been less, in proportion to the magnitude of the expedition, than that of any other which this country had ever sent forth. Upon that point the public had been deluded with the most absurd and exaggerated reports. When the livery were denouncing vengeance against his majesty's ministers, it was asserted that the expedition had cost the nation not less than fifteen millions; even the parliamentary opponents of ministry, in the more sober view which they condescended to take of the subject, never stated it at less than five or six: but the fact was, as the documents before the house proved, that the total charge had not exceeded 840,000l.

"What then," he continued, "has been our offence? that we undertook an operation which we cannot now indisputably prove must have succeeded in all its parts, if prosecuted to a close. Are we then to understand, that such is the principle hereafter to be imposed, under the authority of parliament, upon the military counsels of the crown? The fate that awaits the ministers who acted in the case under consideration, is of comparatively little importance; but the effects of such a principle would be fatal indeed to the future prospects of the country.

"In what page of our history has the noble lord convinced himself, that the interests of the empire would best be consulted by banishing enterprise in war? has it been by such a principle that our naval power has been raised to its present pre-eminence? or that the triumphs of our army have been brought to rival those of our navy? was it under these cold maxims that Nelson fought and died, and bequeathed that example to the navy, which must make them for ever invincible? when he attacked at Copenhagen, was his decision taken upon such maxims? was it at Aboukir, when he exposed his ships, on an unknown coast, between the shore and the enemy's fleet? or at Trafalgar, when he bore down in two columns on the enemy, one-third superior to his own fleet in number, exposing his ships to be raked during their advance by the opposing line, and with orders not to open their fire till they had passed through and brought up to leeward of their respective opponents?

"Was it such principles as these which animated Wolfe when he ascended and stormed the heights of Quebec, in presence of a superior army acting in defence of a fortified place? Had such principles prevailed in the late war, would Lord Melville have dared to send the army he did, to expel a superior enemy from Egypt, or should we in this war have so gloriously triumphed at Maida, and at Vimeiro? Fallen, indeed, would be the greatness of this country, and irreparable its fate, if such notions should be tolerated. Shall a British House of Commons thus lay the chilling hand of death upon the rising energies and accumulating glories of our fleets and armies? doubly humiliating would it be to every British heart, whilst impatient at such a doom, to learn that they owed this act of national suicide to the degeneracy of their own councils.

"I am not contending for rash and improvident exposures of the public

force. I have argued that such a charge does not fairly lay against the operation in question; but what I do contend against is, the principle, that nothing shall be undertaken unless every circumstance bearing upon the operation can be previously ascertained, and that nothing shall be risked unless success can be demonstrated to be inevitable.

"Had the government," Lord Castlereagh concluded, "acted differently, heavy, indeed, would have been their responsibility; with such means and such a prospect of striking a blow, what justification of inactivity could they have pleaded? What would have been the verdict of their opposers, had they brought forward such a defence as might have been framed out of the materials upon which they are now inculpated? Could they have justified themselves upon the speculative difficulties of the attempt, for having left an ally unsupported, and a naval arsenal of such magnitude unassailed? The claims of Austria alone would have justified the attempt; its naval policy, independent of all continental motives, rendered it a paramount duty; but when both considerations were combined, hesitation would have been criminal, and whatever might have been the judgement of the house upon such a case, in my own estimation I must have stood irretrievably condemned and disgraced. The government that, under such circumstances, would not risk the public force, must have been pronounced to be utterly unfit for their situations. I am sure it would have required more than ordinary charity not to suspect that they trembled for their offices, and dreaded the political, rather than the military consequences of failure.

"Whatever may be the decision of the house (of which however I cannot bring myself to doubt,) I feel conscious that I have, in common with the other servants of the crown, done my duty; and however we may have failed in securing for the country all the advantages for which we contended, were it the last act of my life I should pride myself upon the share I have borne in this important transaction."

One part of Lord Castlereagh's arguments was well replied to by Mr Ponsonby; he had argued that government was not bound by the opinions of military officers.

"True," said that gentleman, "they might act on their own responsibility; but though they were not bound by military opinions, yet if they did think it right to act in opposition to them, they made themselves thereby more deeply responsible. All the written opinions which had been called for were clearly adverse to the expedition, and there was nothing to set off against them." *March* 27.

Mr Ponsonby then entered at length into an examination of the military and naval details, and concluded in a strain of violent invective, which the matter of Lord Castlereagh's defence certainly had not deserved. "That noble lord," he said, "seemed to feel as if he had performed some great service to the country, and was in parts of his speech as gay and blithesome, as if he was enjoying some pleasant entertainment; and that, too, while he was answering the representatives of his insulted and injured country for the many thousands of his countrymen whom his wild fantastic experiments in expeditions had buried in a foreign grave! Men, no doubt, differed very much; but he did not think that any other man in the empire so circumstanced, could have spoken upon the subject without real agony of mind.

Nelson, and the fights of Aboukir and Copenhagen, had been irreverently introduced in his justification. Why! what similarity was there between that hero and the commander-in-chief of the late expedition, whom the noble lord selected for celerity, sagacity, and dispatch? The noble lord thought he was upon a rock; he called for acquittal from the justice of the house. He should call also upon the justice of the house. I ask them if they will say that the noble lord is not responsible for the failure? But he has indeed, reason to calculate liberally upon the lenity of the house. They have often been deaf to the calls of justice and pardoned his offences, only to repeat the exercise of their forgiveness. He was either wrong or he was right; if right, why that latent intrigue, amongst his colleagues, in which even his nearest connections and associates took a part? Why did they all agree that he was incompetent to the situation which he held? Why did they agree that he should stay in office till the termination of the expedition, which he himself had planned—then to be turned out, whether that expedition failed or succeeded? They were anxious to send out the expedition, in order to send him out. They were so anxious to get rid of him, that they suffered him to plan what they were conscious must fail, but which failure would relieve them from him. The house, then, would pause, and retrace the mischievous effects of their own misjudged lenity towards the set of men who had been so long abusing it. This conduct of that house was one of the most powerful causes of the late calamitous expedition. They had now to suffer the consequences of their weak indulgence to the incorrigible fatuity of a set of men, who thought that because they were tolerated they were approved. Unfeeling from habit, bold from ignorance, and confident from impunity, they grew more hardy as they became more criminal."

After Mr Ponsonby had thus spoken, General Craufurd rose, and endeavoured to shew, that there was no point except the Scheldt to which an expedition could at that time have been sent. Austria, he said, had made two distinct propositions to this government,—to land an army either in the Adriatic Gulph or in Italy, or to send a smaller force to the north of Germany, for the purpose of raising the people against the newly established governments. The former scenes of action were too remote, even had that been the only objection; and all that could be done on that side was done, by keeping our troops in Sicily, which necessarily detained a French corps in Naples. The latter was not to be thought of, unless there had been a sure prospect that the courts of Petersburgh and Berlin would have cordially joined with Austria; because in no other case could any well-grounded hopes be entertained of permanently re-establishing the original German governments, which, according to General Craufurd, was the only object we could have in view in raising or supporting insurrections in Germany. Truly, if there be no other object, it is to be hoped the attempt never will be made.

"There was another field of operations in the peninsula; but to have increased our force in Portugal would, by increasing the dearth of subsistence, have paralized our operations there. If, indeed, we could have landed an army at Cadiz, that army might have marched upon Madrid, connecting its movements with those of the army from the side of Portugal; such an

operation would probably have terminated in the complete expulsion of the French from Spain. But it was indispensable, as a previous measure, that the Spaniards should give us temporary possession of Cadiz as our chief depot, and as a point of retreat. To this they would not consent; and thus we were obliged to renounce a plan which would otherwise have been so advantageous. The Scheldt, therefore, was the only quarter to which our force could be directed, and there our attention was called by considerations of the utmost importance to the interests of Great Britain. For it was not to be doubted that Buonaparte would one day undertake the invasion of this country,—it was his chief and favourite project,—the last act, without which his great drama would be incomplete. There are no limits to the naval means which he may create in the Scheldt,—the bason now forming at Antwerp is to contain fifty sail of the line, and materials for shipbuilding of every kind may be collected there, by the inland navigation, in any quantity. From the Scheldt Buonaparte will be able to combine a formidable invasion with the greatest facility. One fleet he can send from thence to assist the operations of the Boulogne flotilla, and another to act in conjunction with the fleets of Holland, and perhaps of the Baltic, in protecting an army, embarked in transports, (of which he will be able to collect as many as he can possibly want) across the German Ocean, to land upon our eastern coast, while attacks are carried on at the same time from the other parts of the inordinately extended dominions of France, against the south-west quarter of this country, and against Ireland. There was, therefore, no object so closely interwoven with the dearest interests of England as that which this expedition was intended and calculated to attain."

General Craufurd then proceeded to examine the military details of the plan. The subject warmed him; and assuming fair wind and weather to begin, he gave the history of the campaign as it ought to have been:—A landing effected upon Cadsand,—communication with Flushing cut off,—part of the army left to besiege that place, which had only 4000 men to defend it, the rest proceeding to its ulterior destination,—the batteries on South Beveland silenced, Liefkenshoeck taken in three days, Lilo in four, the garrison of Antwerp remaining within their coverings as their only chance,—8000 men, with the seamen, to carry on the siege,—12,000 to cover the operations;—with that force he pledged himself that he would have effected the object. They would then proceed to Bergen-op-zoom, which they would besiege, and which, by God, said the general, they would take. All this was very practicable, and all would have been done, had not a state of wind and weather, most unusual at that season, compelled the armament to take shelter in the Roompot. To this circumstance, which never could have been calculated upon, he imputed the failure of the expedition, and distinctly declared his opinion, that no man living could have done more in the command of it than Lord Chatham had done. Then coming to the last part of the subject,—the pestilential nature of Walcheren and its evacuation, he argued, that deeply as the effects of that climate were to be deplored, yet it had never been established as a principle, that we were not to conquer and retain important posts, because the climate was occasionally unwholesome. In Eliza-

beth's reign we had possession of this very island, when the climate was the same as it is now, and we retained it thirty years. And it had frequently been in the contemplation of different administrations to acquire permanent possession of Walcheren; the plan had been from time to time laid aside, not from physical but from military reasons, and now military reasons were in our favour. "I do not," he concluded, "hesitate to say, that the permanent attainment of Flushing would amply have compensated the efforts of a whole campaign, however long and arduous. At the same time, when, contrary to all reasonable expectation, the government found so extensive and calamitous a sickness continuing beyond the period of its customary duration, they are not to blame for sacrificing to that consideration a political object so closely interwoven with the vital interests of the state. I contend, however, that it was not only very natural for them to be slow in coming to such a decision, but if they had done so till driven to it by the irresistible necessity which forced upon them such a disastrous alternative, they might justly have been accused of lightly sacrificing the best interests of their country; and they would not only have deserved all the censure now attempted to be passed upon them, but impeachment would not have been more than adequate to the offence."

The debate had now continued two nights; yet it was far from its termination, so greatly at length did those who spoke enter into the question. On the third night, *March* 29. General Tarleton, Lord Francis Osborne, and Lord George Grenville, spoke in favour of the resolutions. Mr Grattan followed on the same side. "In my conception of public delinquency," said he, "there can be no conduct more reprehensible than that of his majesty's ministers,—except, indeed, the conduct of this house, if it should be so forgetful of its duties as not to condemn them. This house has lately censured Lord Chatham, for an attempt to set aside the responsibility of ministers; let it then take care that its conduct on this occasion does not tend to establish ministerial impunity, and let it visit the failure of this fatal expedition with exemplary severity upon the heads of those by whom it was planned and advised."

Upon this Mr Canning rose, as one of those advisers, to contend that the principles upon which he and his then colleagues had proceeded were such as they might confidently recommend to whoever might be their successors in office,—such as, in whatever hands the administration may be placed, must necessarily be adopted and acted upon, if the cause of the country is to be maintained. "An attack upon Walcheren," he said, "was no new project; it had been for many years in the contemplation of the British cabinet, and when Earl Grey went out of office, he strongly recommended to the ministry that succeeded him a vigilant attention to the growing naval means of the enemy in the Scheldt, described the accumulated facilities of annoyance which the possession of that river afforded to Buonaparte, and particularly pointed out the arsenal at Antwerp, as the most desirable object of attack on any favourable occasion. In giving this advice, in leaving this legacy, in bequeathing this testamentary sanction for such an operation to his successors, that noble lord discharged a solemn duty, and gave a proof of his patriotism as well as of his wisdom.

"Three distinct propositions," Mr Canning continued, "were made by Austria to Great Britain;—an attempt upon Italy, a continuance of our operations in Spain, and a diversion in the north of Germany. The first was made, and only desisted from when it could no longer be of any benefit to Austria; our operations in the peninsula were pursued with unremitting exertion; but there were weighty reasons which withheld this country from raising an insurrection in Germany. Not one of those who had most strenuously contended for the policy of such a diversion, had ventured to assert, that it would have been politic to risk the fate of a British army during the winter in that part of the continent. The times are indeed long passed, when foreign armies, moving in great masses, could maintain themselves like a separate state, a nation among nations, in the heart of Germany for many successive seasons; and the force we could spare for such an undertaking must have been so small, as to be wholly inadequate to the accomplishment of it. With whatever good fortune, therefore, it might have commenced its career, it must have been finally withdrawn before the winter; and I shudder at the calamities that would have been brought upon the unfortunate inhabitants, who, having been induced to take up arms upon the faith of British protection, must have been left exposed to all the vindictive outrages of exasperated tyranny, whenever the progress of the seasons, independent of military disasters, should render it indispensable for the British army to retire.

"But this is not all. Broken down and humbled as Prussia was, she still had an army, which, though unable to make head against France, might yet have been very formidable against the limited force which we could have sent out to Germany. With that army the British army, in the course of its operations, must have come in contact; and if that were likely, (nay, rather if it was impossible to avoid it,) I will ask, whether, under all the circumstances of Europe, it would have been prudent in us to have involved ourselves in active hostilities with Prussia; or, on the other hand, if any thing like an understanding should appear to have existed between Prussia and us, would it not have furnished Buonaparte with a plausible pretext for wresting from the monarch of that country the bauble of a sceptre, and tearing from his head the mockery of a crown, which he is still allowed to wear? If, then, these would have been the consequences that would have resulted from an expedition to the north of Germany, need more be said to shew, that it was the bounden duty of his majesty's government to pause before they should undertake it; nay, that they are fully justified in having declined the undertaking after the most grave and mature deliberation.

"All this would be true, even if the insurrections in Germany had risen to such a height without our interference, as to hold out some temptation to an enterprise of this kind. But what was actually at the time the state of these insurrections? A bold and adventurous soldier (Schill), impelled by loyalty and national zeal, though unauthorised by his sovereign, took up arms against the common enemy, and, having assembled a few followers, commenced an intrepid but short-lived career of daring enterprise; the Prince of Hesse, seeking the recovery of the dominions of which he had been tyranni-

cally deprived, was employed in raising a corps of partisans; and the gallant Duke of Brunswick, anxious to revenge the wrongs sustained by his illustrious house, was enabled, partly by the bravery of his followers, and partly by the good will of the people, to traverse the whole of the north of Germany unmolested, defeating several corps of the enemy, his superiors in number, on the way.—This was the sum of the insurrections in Germany. Undoubtedly it proved the disposition of the people; but that disposition, though friendly, was inactive and quiescent. Splendid as they were as instances of individual heroism, these partial and detached exertions surely did not hold out such assurance of general concert, as would alone have justified a landing in the north of Germany. It was incumbent upon us before we embarked in such an enterprise, to compare our means with the end; to weigh against the possible advantage the certain sacrifice; and to keep ever uppermost in our contemplation, the dreadful sufferings that its failure, or even its partial success, would draw down upon the population of Germany. The feelings of humanity, no less than considerations of prudence, were against the measure, nor could Austria justly expect, nor could we consistently afford her that temporary relief, which it is admitted she might have gained, at the expence of so much certain and permanent injury to others.

"The same objections which I felt to the north of Germany would have weighed with me against Antwerp, had it been proposed to go there in search of insurrections. Indeed, if I were to lay my finger upon that spot of subjugated Europe, which has suffered the least from French tyranny, and where therefore co-operation was least to be expected, I should point out Antwerp. Before the French revolution, Antwerp was in a state of comparative desolation: her former greatness had vanished; her prosperity was extinguished; her trade annihilated; her population was dwindled; and the grass growing in her streets, formerly the crowded haunts of industry and commerce. To this wretched state had Antwerp been reduced, not by nature but by treaty, not by any moral or physical defect, but by the arts of the diplomatist and the dash of a pen; and from the destructive effects of a restriction so imposed, was she liberated in consequence of her annexation to France. Neither was there any thing of attachment to her former government to counteract the natural influence of her present prosperity; and it was against the sources of that prosperity, her growing maritime greatness, that this blow was aimed. From the population of Antwerp, therefore, no aid or co-operation was to be expected. They alone, perhaps, of all the inhabitants of the continent, would suffer by being replaced in the situation in which they had been previous to the French revolution. I had no hope of conquering through Flanders; or of keeping Flanders against France; or of liberating Holland by penetrating its frontier from the Scheldt. But I did think, and do think still, that a great blow was to be struck against the pride and power of Buonaparte, by the destruction of his fleet and arsenals. I wished for no longer occupation than might be sufficient for this purpose, and this I expected to gain, not by the connivance of the inhabitants, but by force, and by taking them unprepared."

Mr Canning then went through the plan of the expedition, to shew that

its failure has arisen from causes which could not have been calculated upon. "Upon the delay of evacuating Walcheren," he said, "such was the importance of that island to Great Britain, that very great efforts ought to have been made to retain it; his majesty's ministers were perfectly justified in having hesitated as long as they did before they finally determined to abandon so very valuable a possession, and his doubt was, whether they ought to have abandoned it at all. But if that had been resolved on, he did not think they were justifiable in retaining it so long merely with a view to destroy the works of Flushing, or in compliance with the wishes of Austria. A mere temporary mischief to the enemy, to be repaired by money, ought not to have been purchased by any avoidable expence of British life; and if our army was exposed to ten days unnecessary sickness, upon the supposition of affording aid to Austria so long after the armistice, there was no just proportion between the advantage expected and the sacrifice actually made."

Lastly, Mr Canning adverted to what had been said of the necessity of marking with extraordinary severity the failure of such an expedition. "I doubt," said he, "whether the vice of the British constitution and government be a too great proneness to undertake splendid and daring enterprizes—or its main perfection an uncommon facility for conducting the operations of war. There is enough already (as it appears to me) both of difficulty to impede and of responsibility to daunt any administration in this country, to whom the conduct of a war is intrusted: and when that war is to be carried on against such an enemy as him with whom we have to contend at present, it is not (in my humble opinion) politic to go one step beyond what justice may prescribe to enhance that difficulty, and press the weight of that responsibility upon the government. Possibly I might think that even to stop something short of an extreme and rigorous account, might be the more politic alternative of the two. We have to contend against an enemy who, with whatever qualifications he may be endowed by nature, has full scope and play given to all his faculties and views, by the unlimited power, the irresponsible freedom with which he acts. He asks no consent, he renders no account, he wields at will the population and resources of a mighty empire, and its dependent states. His successes are magnified with enthusiasm, his failures silently passed over. And against this unity of counsel and this liberty of action, we have to contend under the disadvantages of a mixed and complicated government: Disadvantages in this respect they are, though happily and gloriously redeemed and compensated by the great and manifold blessings of a constitution unequalled by any other system of human policy in the history of the world! Secresy of design, celerity of execution, a boldness of adventure arising from fearlessness of responsibility for ill success, are the qualities the most useful for the vigorous prosecution of military operations. They are advantages which our despotic adversary enjoys in the most eminent degree. They are those which a free government necessarily wants. I doubt whether it be politic to aggravate the inequality of such a contest, by a severity of scrutiny, and a hardness of animadversion upon failure, which by making responsibility too heavy

to be borne, has a tendency to make all enterprizes too hazardous to be attempted."

Mr Whitbread replied to Mr Canning, beginning by a vehement attack upon him individually for those ministerial disputes, upon which Mr Canning had so properly maintained silence in that house. Then proceeding to the military details, he strayed into a strain of irony in commenting upon General Craufurd's account of the campaign as it ought to have been. "I have indeed wondered, sir," said Mr Whitbread, "how your vigour was able to stand it, though my surprise is much abated, when I consider the exertions which you are ever ready to make for the general interest. I really, however, had sunk into a slight oblivion during some of the sieges; though, in truth, few of them took much time. And, when I awakened to resume my services, happening to ask from a friend near me, how far we had got—"Oh," said he, "our general says, 'by God, he has just taken Bergen-op-Zoom." This oath, I hope, never will rise in judgement against the gallant officer, but be forgotten by the generosity of the angel alluded to by that interesting writer, whose pictures from nature the gallant officer's speech is strikingly calculated to call to one's recollection. That gallant officer, however, might, like Mr Shandy, be anxious to mount his hobby horse upon military tactics. The siege of Bergen-op-Zoom might be as familiar to his imagination as that of Namur was to Mr Shandy; but neither he nor his friends, the ministers, were fit to cope with Mr Shandy. Mr Shandy had plans of all the towns he had to invest, but neither the gallant officer nor his friends had a single plan."

Mr Whitbread was in the vein of satire, and the next person upon whom he indulged it was Sir William Curtis. "The expedition," he said, "was so completely fitted out, that even the city staff was perfect. The good city of London was represented by the jolliest of her aldermen. To him Lord Chatham paid the most marked attention. He went to Deal. He was the last person he saw. Oh! how tenderly affecting was the interview! The fleet sailed—how sad was the parting! The noble lord stood on the shore saluting the jolly alderman, and catching his last sigh—when the worthy baronet, in the words of the ballad,

——"Waved his lily hand,
And bade his noble friend adieu."

But at last the envious winds interfered—the Phœnix spread her wings, and wafted the turtles and the alderman to the destined port. Last night I looked about for him, when an allusion was made to the expence at which the city estimated the expedition. The jolly baronet was away, but another kissed the rod. He is also a baronet, but that is not sufficient to describe him, there are so many of them; he may be known, however; his face is less round and less ruddy than the other. There were no less than three of them there huddled together on the same bench—three baronets, all elevated for unheard-of services."

Then passing to Lord Castlereagh; "it seemed," he said, "the noble lord would call over the French emperor to bear testimony to the policy of his arrangements;—that call, however, would now be answered according to the old adage, 'that he was married, and could not come.' And may that marriage," continued

Mr Whitbread, "be productive of general felicity, by leading to that peace which France has so often attempted, in vain, to establish with this country." Mr Whitbread stands high among those persons who call themselves the friends of freedom;—are their notions of general felicity compatible with the universal dominion of France upon the continent, the annihilation of the freedom of the press, the extinction of national independence, and an absolute military despotism?

The orator admitted that he had not been very consistent, in mingling matter of mirth with such a subject, "he was now come to pure unmixed tragedy,—the prodigality of human life, and the wanton extravagance of human happiness,—the cruelty of sending men to such a climate at such a season, and the aggravated inhumanity of detaining them there so long: that additional guilt he attributed chiefly to Mr Canning, for he it was who, by throwing the apple of discord among his colleagues, produced confusion in their councils, which unfitted them for some time for almost any measure of government. More, much more, might be said; but, exhausted as he and the house equally were, he would conclude by demanding their unanimous decision. The nation demanded their decision; the wreck of our brave army demanded it; the martyred thousands whom they had left to rot in Walcheren demanded it. There is, indeed, from the centre to the circumference of the empire, one united, universal, heart-rending cry for justice. Give it then to the supplications of the people! give it to the sorrows of the army! give it as the last consolation to the widows and orphans of the dead! give it as a pledge of the honour and integrity of the living! To the people of England, and to the cause of humanity, the punishment of those who have created such enormous evil is a necessary act of duty. The memory of the dead, and the honour of the army, call for vengeance upon the authors of this expedition, and I trust in God that the house will attend to the call."

March 31.

This terminated the third night's debate. On the fourth, Sir Francis Burdett spoke. "Was there no punishment," he asked, "for those who sent out this expedition? The ministers stood as criminals before the house, and not only the ministers, but the general and admiral ought to be punished for having undertaken to conduct an expedition, in a state of complete ignorance as to the mode in which the duty could be performed. Nothing less than the impeachment of the one, and a court-martial on the others, could, or ought to satisfy the country. In all their proceedings there was a marked disregard for their country, and a cautious concern merely for their own interests. From beginning to the end they were all the same; all ignorant, presumptuous, and imbecile. As to the commander-in-chief, the result of the inspection of the papers on the table was merely wonder how any man, with the feelings of a gentleman, could act as he did; how any man possessed of such conscious and convicted imbecility, could retain his situation. Lord Castlereagh was very anxious to separate the question of the medical board, from that of the merits of the expedition. He betrayed, indeed, through all his speech a callous insensibility to the miseries

he had caused, truly shocking; he sported with the deaths which he had occasioned, and even presumed to persuade the country that its calamities were honours! One would have thought that he who came down with the deaths of thousands on his head, would have expressed some sorrow for the bloody consequence of his own folly and incompetence. But no! he dared even to compare himself to Chatham, Nelson, St Vincent, and those brave heroes who had directed our arms, under better and happier auspices, and to constant and imperishable glory. I was amazed," exclaimed Sir Francis, "how he dared to mention the names of those great men on such an occasion. Why, this dreadful expedition has cost the country, on a serious calculation from the returns on the table, which, however, were far below the mark, three times as many lives as all the glorious naval victories which we have gained since the commencement of the war, including Trafalgar! And yet of all this the noble lord spoke with a tranquillity, with respect to which I want language to express the feelings of my mind! When every indignant sentiment of patriotism was roused by the contemplation of these calamities, his lordship spoke of disease, death, and destruction, as familiarly as girls of thirteen would talk of puppy dogs!

"He should now," he pursued, "most heartily support the resolutions proposed by Lord Porchester, though he thought they should have gone farther. The ministers ought to be called to an account very different from a mere censure of that house, and the officers ought to be tried by courts martial. But the removal of the present ministers from office was not the only thing to be done for the salvation of the country. Without a change of system—without reverting to the principles of the constitution, with the decline of which the country had declined, no permanent good could be expected. If we wished to be rescued from our present perilous situation, we must have reform—reform which would revive and re-establish the ancient fundamental principles of our constitution. Unless this was obtained, neither himself nor the country would be satisfied. From the folly of not demanding this arose all our calamities. From it arose this expedition—this child of corruption, expiring by its own inherent imbecility. All their calamities, all their disgraces, were derived from the want of a fair and equal representation. To that, and that alone, the people ought to look; it would be folly to expect relief from any other cause. If this was obtained, they would no longer see ministerial weakness working on abandoned prostitution. This was their only avenue of escape from ruin, imminent ruin. For himself, he cared not, if that ruin was to come, whether it came in the shape of a rotten borough, or an open iron despotism. In looking at this expedition through all its parts, one could hardly speak of it with the necessary moderation. If in private life, he saw the catastrophe of men so brave, so patient, so martyred, he could call it nothing else than cool, deliberate, atrocious murder. Though ministers within twelve hours' sail of Walcheren might have had every information, they would not deign to seek it, but sent their soldiers unheedingly to their grave. They now called for vengeance—the honour of the house was pledged to give it; and, for himself,

he would say nothing but instant impeachment and court-martial should satisfy the nation for the cruel effusion of their army's blood."

Sir Francis had spoken of the energies of Greece and Rome, which, he said, were to be accounted for by the free nature of their institutions. Mr Bathurst reminded him, that those energies were first impaired by the exertions of factious leaders of the populace, who, having destroyed the aristocracy, ultimately established a military despotism. Upon the question before the house, Mr Bathurst said, he did think that house would abdicate all its functions, if, disregarding the general voice of the country, it could be warped by any consideration from giving to this calamitous expedition its appropriate character, and from pronouncing its censure upon the conduct of those who advised it. Mr Perceval concluded the defence of ministers; the policy of undertaking the expedition had already been explained at length, so also had the plan of operations; he therefore chiefly confined himself to that set of resolutions which condemned them for having, after the great object of the expedition was abandoned, left a large proportion of the army to the imminent danger of attack from the enemy, and exposed, during more than three months, to the fatal ravages of disease. "Upon this part of the case," Mr Perceval said, "more feeling had very naturally been excited than upon any other. No man could speak of it, no man could think of it without the deepest regret. He could not, however, suppose, that they who declaimed loudest upon this melancholy subject, really felt more upon it than his majesty's ministers. Even party opposition could hardly be carried to such a length, as to induce any man to believe that the feelings of regret on one side of the house were more acute than they were on the other. But it was one thing to regret the loss of lives, and another to maintain that that loss was owing to any misconduct of ministers. Now he would most confidently contend, that when the ulterior object had failed, that very circumstance made it of infinitely greater importance to retain Flushing; if Antwerp had been taken, our security would have been effected; but having left such great naval means in the hands of the enemy, the possession of Walcheren became doubly valuable. The question was, whether Walcheren being in our possession, an island which had been the object of pursuit to so many governments, ministers would have been justified in giving it up, without taking every means of ascertaining whether it was possible to retain it: nothing, indeed, but an absolute conviction in his mind, that it was impossible to do this without a greater expence of men and money than seemed to be within the means of this country, would have induced him to give it up.

"The customs of Antwerp in 1806 were one third more than those of all the other ports of France put together; ministers knew this, and knew also, that if they retained Walcheren the enemy would not only be deprived of that revenue, but of all the trade from which it proceeded. This, though a small object compared with the importance of Antwerp as a naval station, certainly was one to be considered. Mr Pitt, Lord Sidmouth, and Lord Grenville, each in his several administration, had turned their thoughts toward Walcheren, and the plan had always been abandoned, not

because the island was unhealthy, but because a sufficient disposable force could not be spared for the purpose of attacking it. To these high and concurrent authorities, those of Nelson, of Earl St Vincent, and of almost every naval officer, might be added. The house had before them a letter of Sir R. Strachan's, pointing out the importance of Walcheren, and pressing ministers in the strongest manner not to give it up till he had an opportunity of conversing with them upon the subject; he had stated that the place was tenable, and that a plan for its complete defence was drawing up: but when, in a later report, that officer communicated his opinion, that in consequence of the peace with Austria the enemy would be enabled to bring such a force against Walcheren, as it would not be in the power of this country, with any reasonable proportion of its means, to withstand; then they determined to evacuate the island. Had it been found expedient to retain it, means might and would have been taken to secure the health of the troops. With our naval means, a considerable part of the garrison might have passed a part of the year on the coast of Kent, and recourse would have been had to floating barracks; for it was to be observed that the sailors were not affected with the sickness. There was, therefore, no reason to apprehend that any troops would have been destroyed by the retention of the island. And he would ask of the candour of his opponents, if the evacuation of Walcheren was a thing which could be carried into execution as soon as it had been resolved upon,—if it was, or could be made, the operation of a day? Supposing it had been determined upon, were not the means to be considered by which it was to be carried into effect? Would the precipitate abandonment of the island have been the best way to secure that object? or, in order to secure the safe and tranquil re-embarkation of the sick, was it not necessary that the healthy troops should be in undisputed possession of the island? or would it have been a more summary way to have called off the healthy troops at once, and abandoned the sick to their fate? Well, then; it is admitted, that we should first have brought home the sick: and now let those gentlemen, who have been so fine in their random flights at speculative censure, come down for a moment to the simple sobriety of fact. The navy could not bring home our sick; transports must of course have been employed in that melancholy service; the means of tonnage to convey them all home at once could not be commanded; after the transports arrived, they necessarily underwent the process of fumigation, and then returned for the remainder; and after the sick had been brought home, and not before then, the evacuation by the healthy part of the troops commenced. This was sufficient to shew that it was not possible to evacuate Walcheren at the time when it might have been thought expedient to do it.

"One argument more remained, still more conclusive to this point. On the 10th of October, government received intelligence, to their minds satisfactory, that hostilities were on the eve of recommencing between Austria and France. Now, suppose that, after having received this intelligence, they had nevertheless determined upon the abandonment of Walcheren, and that hostilities upon the continent had actually recommenced, how easy was it to anticipate the tor-

rents of invective which would have been poured upon them for giving up, at such a time, a conquest so dearly bought and so critically important? Was it a rash supposition to imagine, that hostilities would recommence? Was there nothing in the wavering and uneasy alternations that preceded the treaty of Vienna, to countenance the belief that another battle might be fought for the liberties of the continent? And in that case, would not Walcheren have been, in our hands, a most important means of annoyance? At that time, too, the sickness was daily abating: that distemper uniformly abates in October, and terminates in November. Here, then, the evil was momentarily decreasing, while the advantages reasonably to be expected rose with the crisis itself. The opponents of ministry would have an expedition subject to no chances, and secure of intermediate, as well as ultimate success,—their theory was more perfect than their practice. I will detain the house," said Mr Perceval, "no longer, weary as their attention is, and exhausted as is the subject. I have reluctantly endeavoured to drag them along with me through a length of detail which lent me no aid, and to which my humble efforts could impart no interest. It remains only to state, that it was my anxious wish, as well as that of my colleagues, to retain Walcheren, if that intention had been practicable, and that our greatest regret is, that it was not possible to retain a conquest which, if retained, would have proved invaluable."

The question now, after four nights debate, was put to the vote. 227 members voted for Lord Porchester's resolutions, 275 against them. The house then divided upon an amendment of General Craufurd's, purporting, that though the house considered with regret the lives which had been lost, it was of opinion that his majesty's ministers had proceeded upon good grounds in undertaking the expedition. 232 members voted against this, and it was carried by 272. The second set of resolutions was then put to the vote; and Lord Porchester's censure upon ministers for delaying the evacuation, was negatived by 275 against 224. A counter resolution, approving them for retaining the island as long as they had done, was moved by General Craufurd, and the numbers were 255 to 232, leaving ministers a majority of 23. This was their smallest majority; their largest was 51, which was in fact upon the same question; but before the final division many of the ministerial side had left the house, conceiving the business sufficiently determined, and worn out by the length of the debate, for the house did not adjourn till half past seven in the morning.

The reasons which the ministry assigned for not having evacuated Walcheren sooner, were completely satisfactory. Upon the policy of undertaking the expedition, more was said than their opponents had anticipated; the importance of the naval station which had been attacked was made apparent; it was shewn that three successive administrations had each meditated an attempt upon that station, and that such an attempt had also been contemplated by Nelson. The effect which the discussion produced upon great part of the country was expressed by Mr Wilberforce, when he said, that a great deal of strong and just reasoning had been adduced on both sides, and that on the whole it was a question with regard to which impartial men might differ. *May* 9.

The opinion of Nelson upon such a subject was deservedly considered as of the greatest weight; but what was it in reality that Nelson had projected?—an attack upon Flushing, which he said, would be a * week's expedition for 4 or 5000 troops. The possession of Flushing would have effected all that was desirable; that station in our power, it would have mattered not what might have been the number of ships which would then have lain rotting in the Scheldt. And if the conquest had been made at a fit season, we should have been left with unexhausted forces to maintain it; for to take and to hold is the only principle upon which any state should ever attempt conquest. The ill effects of the climate, had they been duly foreseen, might have been counteracted by proper precautions, and perhaps even the causes of the evil materially diminished by covering as many of the drains as possible, and keeping those clean which were left open. The greater part of the troops would have been effectually secured by being hutted on the sand hills and kept in floating barracks, and means might have been devised for lessening the danger to those whom it would have been necessary to keep in the town. Generous diet, with the free use of tobacco and of spices, would have served as antidotes to the climate; the risk would have been greatly alleviated by quartering them in the upper stories; and if men for the service had been selected, who were natives of the fen countries, they would have found themselves in an atmosphere not very different from their own.

These things had manifestly never been considered; the season was ill chosen, and the choice of the commander was, if possible, still more indefensible, from his vice of notorious and incorrigible sloth. Under a man of soldier-like habits and activity, the expedition might easily have succeeded, and in fact could hardly have failed of success, had the first operation been effected,—that of landing upon Cadsand; the failure there drew after it all the other evils. But had the expedition succeeded in all its parts, still it would, at such a time, have been a miserable misdirection of such an armament. It was affirmed, that we could not have supported an army farther from our own shores, because foreign coin could not at that time be procured;—a strange argument, which the opposition seem to have considered as valid, for they made no reply to it. But, without referring to the manner in which the French make war, what is to prevent us from giving our own money currency wherever our armies go, by martial law, if foreign coin is not to be procured, or only at a loss?—The paramount object at that time should have been Spain. It is true, that a larger army could not have been employed under Sir A. Wellesley, because that which he had was not supplied; but there was another and even a more important scene of operations in Catalonia. Barcelona might have fallen, Gerona have been saved, and Zaragoza recovered for the Spaniards.

If, however, it had been thought better to turn our views to the north, and the circumstances of Prussia, as Mr Canning so ably argued, rendered it unfit to land in Germany, one object, and only one, offered itself, which would have been commensurate to the means employed. We should

* Clarke and M'Arthur's Life of Nelson, vol. ii. p. 229.

have once more, and now with a justice which could never be disputed, have attacked the Danish capital, planted the English flag at Copenhagen, established a viceroy there, incorporated Zealand with the British empire, and admitted the inhabitants to a full participation of all the rights and privileges of British subjects.

"If we pay a proper regard to truth," says Polybius, "we shall find it necessary, not only to condemn our friends on some occasions and commend our enemies, but also to commend and condemn the same persons, as different circumstances may require; for, as it is not to be imagined that those who are engaged in great affairs should always be pursuing false or mistaken measures, so neither is it probable that their conduct can at all times be exempt from error." The modern spirit of party, not having that regard to truth of which the historian speaks, either sees things falsely, or, if it sees them aright, wrests the consequences to its own perverse purposes. The opposition argued truly, when they maintained that the expedition to the Scheldt was impolitic and disgraceful; but the conclusion upon which they insisted was, that therefore the ministry ought to be displaced, and they themselves be appointed to succeed them; and they who agreed with them most entirely in the first part of their proposition, would have regarded the second as a worse evil than the expedition itself. The temper and the views with which this party called for a vote of censure, were exposed by Mr Stephen in a singularly felicitous allusion. "The public," he said, "were led to expect a redress of grievances, and punishment of delinquents; but the gentlemen on the opposition bench had the more substantial game in view of obtaining possession of the government; and this was the true cause of their impatience. They reminded him of the squire of the valourous knight of La Mancha. The knight, like the people of England in this case, was intent on generous purposes, though with mistaken views; but Sancho had always his eye to the main chance; and as soon as an adventure was atchieved by his master, he conceived, like these right honourable gentlemen, that his own end was attained; and said, 'I do beseech you, sir, give me immediately that same government."

CHAP. III.

Sir Francis Burdett's Motion for releasing John Gale Jones.—His Letter to his Constituents, Committal to the Tower, and consequent Proceedings.

THE decision of the house upon the Walcheren expedition was so utterly discordant with the opinion of the public, that it would probably have excited a feeling throughout the country little less violent than that which had manifested itself during the inquiry of the preceding year; but the attention and the passions of the people had been effectually diverted by circumstances which, during the progress of the business, had grown out of the commitment of Gale Jones. On the 12th of March, Sir Francis Burdett moved that Jones should be discharged. "He lamented exceedingly," he said, "that, in consequence of indisposition, he had not been present at the time the resolution for committing John Gale Jones to Newgate was passed, conceiving as he did that the house possessed no such privilege, and that no such privilege could legally or constitutionally exist. The law of the land was the standard by which the privileges of every individual, and of every body of individuals, in this country were to be measured; but he maintained, that the imprisonment of John Gale Jones was an infringement of the law of the land, and a subversion of the principles of the constitution. The question was, if the House of Commons had a right to imprison a person, not a member of that house, for an offence punishable by the ordinary course of law? This question involved the consideration of two distinct qualities,—privilege and power. The one, privilege, the house possessed for its own protection; the other, power, was a right to be exercised over others. Privilege they were to exercise to prevent the crown from molesting them in their proceedings; they were to use it as a shield for themselves; but they were not to allow it to change its character, to be converted into power, and to use it for the destruction of others."

Sir Francis then entered into an historical argument, shewing how this privilege, according to his view of the subject, had arisen. "By the exercise of that privilege, in the present case," he affirmed, "the common law, Magna Charta, and trial by jury had been violated. Mr Jones was imprisoned for an act, the illegality of which had not been proved, the facts not ascertained, nor the law determined. And what was there to prevent Mr Yorke from preferring a bill of indictment, according to law, against him; in which case, if they

could suppose that any twelve lawful men in England could find a verdict of guilty, then would he be punished twice for the same offence. If, on the other hand, a verdict of acquittal were returned, then would he have been sentenced to undergo the most severe punishment short of death, that of indefinite imprisonment, by an order of the House of Commons, for having done an act not proved to be a crime. It was a doctrine clearly laid down by Lord Coke, that no man could be fined, or confined, but by a Court of Record; no court but that in which forty shillings damages might be given could be a Court of Record;—the necessary conclusion was, that the power of fine and imprisonment was not in that house. No right to fine was assumed. Why then was the greater power retained, when the smaller one was admitted to be illegal? The warrant of committal, too, he contended, was illegal in all its parts, but eminently so in its conclusion. A legal warrant must conclude with the words, 'till the party be delivered by due course of law;' this warrant ended with the words, 'during the pleasure of the house.' The house, by such a proceeding as it had resorted to, involved the assumption of the judicial, executive, and legislative powers, which was in the very teeth of the law. In the due administration of the law it was wisely provided, that the same men shall not take two steps together; one set find the bill, another decide on the fact, another the law; but that house, which administers no oath, which squares itself by no form, which makes no previous examination of the fact, jumps at once upon its dangerous and most alarming conclusion, and finds the accused guilty. And for what? for their privilege. The privilege talked of resembled the bye laws of a corporation, sufficient to bind themselves, but which could not overturn the law of the land. This was to shew the house to be as great as kings, lords, and commons. It was, besides, an encroachment on the prerogative of the crown, whose privilege it was to see that no unlawful restraint was laid on the liberty of the subject." Sir Francis concluded in these words: "Sir Fletcher Norton has said, that he would pay no more attention to a resolution of the House of Commons than to that of a set of drunken porters in an alehouse. The observation was coarse, but it was just. If gentlemen, therefore, are of opinion that a resolution of this house is equal to that of all the branches of the constitution, they will then reject my proposition; but if, with me, they think that they cannot overturn the law of the land, and the acts of parliament solemnly passed, by any assumed power exercised by that house alone, they will agree with me that John Gale Jones must be discharged."

Upon this Mr Williams Wynn said, "that if a motion had been brought forward for the liberation of John Gale Jones, upon the ground of his contrition for the offence which he had confessed at the bar, he should not have objected to it; but the proposal of that liberation had been so interwoven with other topics, that he really knew not how to proceed." Then taking up the historical argument which Sir Francis had produced, he shewed him that there were cases on record of the assertion of this right as early as the reign of Henry VIII. "It was indeed true, that no instance of committal for a libel was to be met with prior to the reign of Elizabeth; but the fact was, that in

the times immediately succeeding the invention of printing, there was no liberty of the press. The right of printing, and the liberty of publication, were so completely under the restrictions of the Star Chamber, and so liable to be limited by the king's proclamation, that there was no probability of any libel appearing against that house. The same reasons which justified a court of law in punishing any contempt or interruption of its proceedings, justified the privilege which the house had exercised in the case before them. Any offence to a court of law was deemed not only personal to the individual immediately presiding, but to the whole tribunal of justice, or (according to the older language of the law) to the king's person, which was considered as perpetually present there. So in this case, the libel was not treated so much as an offence to the member attacked, as to the whole house. He wished Sir Francis had waited till the discharge of Mr Jones from prison before he had brought on a question which was now moved in parliament for the first time: in the present mode of proceeding there was this inconsistency, that the motion had nothing whatever to do with the speech by which it had been prefaced. Even now he wished that Sir Francis would propose a declaratory resolution on which to found his present motion, though he, for one, must vote against such a resolution, as tending to deprive the house of what it had enjoyed for above three hundred years,—that of guarding its dignity against libels."

Lord A. Hamilton and Mr Creevy both declared that they could not concur in the opinion of Sir Francis. The proper distinction seems to have been made by Lord Folkestone. "That house," he said, "was competent, by its own authority, to punish any contempt or interruption of its proceedings; but he denied that a libel and a contempt of court were tantamount." The attorney-general and solicitor-general delivered their opinions decidedly for the privilege. The discussion led necessarily to much historical and legal argument, and many cases were cited; but Mr Sheridan said "he wished to draw the attention of the house to one simple and obvious one,—the case of Mr John Gale Jones. The abstract argument of Sir Francis's speech had nothing to do with his actual liberation, and why should he be sacrificed to a theory with which he had no concern? why should he fall an unwilling martyr to doctrines which he never propagated, and perhaps never entertained?—It had been asserted, that a prosecution by the attorney-general would have been preferable to the course which had been taken in this case. This was a practice to which he could never give his sanction. The house never could delegate the maintenance of its privileges into any other hands than its own, without a degradation of its dignity, and a dereliction of its duty. He well knew the consequence of confiding such a trust to an attorney-general: it had been done in the case of Mr Reeves, and the author of what had been unanimously condemned in the house as a gross and scandalous libel, was acquitted in the court below." Mr Sheridan then considered the particular case which was before the house. "While he differed," he said, "from the doctrine of Sir Francis, that that house had no right to commit any person but one of its members, he could not, on the other hand, agree with Mr Yorke in his application of

the Bill of Rights, where it directs that no proceeding in that assembly should be questioned in any court or place out of doors. Was this meant to bar all public discussion? all consideration of politics out of parliament? Unless it meant this, it could mean nothing; and to shew how conveniently this principle might be relaxed, it was sufficient to read the words of a requisition with which Sir William Curtis had just been served, requiring his attendance at a Court of Common Council, to 'consider of the prodigal and profligate expenditure of the public money by the House of Commons, in the late grant of an annuity of 2000l. to Lord Wellington.' Now, if the Bill of Rights were to be so closely adhered to in every case, why was such a notice as this made public with impunity? What! should the house thunder its vengeance to batter down a poor debating club, when it would not dare to raise its arm against a wealthy corporation? If the principle were to be acted upon at all, common justice required that its extension should be general. Well then,—let there be an end of all that gives our constitution value,—repress all discussion,—prohibit all county meetings,—silence every controul over public men on the part of the people,—and by that act deprive parliament of the great stimulus by which it is forced to do its duty. That experiment had been tried at the close of the American war. Lord North attempted to exclude the public from the House of Commons; he had the power, and he exercised it for above a session and half. What was the consequence?—Every county had its parliament, and every village its delegates; clubs assembled, and societies sprung up, for the discussion of their rights, and the examination of their grievances. He well remembered that much mischief was apprehended; but the minister, seeing his mistake, restored the usual opportunity of communication between the people and their representatives, and thus the danger was dissipated by the restoration of that freedom which was the most effectual foe to danger. Therefore," said Mr Sheridan, "I see with pain every act of hostility against the freedom of the press. It is inconsistent with the interest of the house, as well as with the safety of the country. But in the case under consideration, their interest, their principles, and their pride should restrain them from engaging in such conduct. There is something so silly, so small, so ignominious in the contest in which the house is involved, that I cannot think of it without pain, and must therefore feel anxious to rescue it from its warfare with the British Forum. Upon this ground I move an amendment, that John Gale Jones be discharged, in consequence of the contrition he has expressed and the time he has been imprisoned."

Mr Sheridan, when he moved this amendment, asked of the speaker, whether this mode of applying for the discharge of Jones, or his own application by petition, was the regular course in such cases? He was told, that an application to the house by petition would be more consonant to the ordinary mode of proceeding. Upon this ground Mr Perceval called upon the house to consider the consequences of such a precedent as they would establish, if Mr Gale Jones should be released, without having, according to the invariable practice of the house, previously sent in a petition, acknowledging his offence, and expressing his contrition. At the

same time, he had no hesitation in saying, that if the person in question should, according to the ordinary and regular course, submit such a petition, he would be the first to accede to any proposition for his enlargement. Mr Williams Wynn said, he should vote for the amendment, because he thought the punishment had already been sufficient for the offence. Mr Whitbread was of the same opinion; the right of the house to commit persons in such cases he did not question; but he added, that the house very seldom got well out of such proceedings. Sir Francis, in reply to all which he had heard, repeated and enforced his former arguments. "He never," he said, "had asserted, or could think of asserting, that the house had not the power, in the exercise of its constitutional functions, to remove nuisances, that is, obstructions to judgement, a power which every magistrate possessed. That which throws obstructions in the way of the proceedings of any court, is a contempt of that court; therefore the privilege of the court, in such instances, was the right of removing such obstructions; but how were the proceedings of that house obstructed by a libel?—The *Lex Parliamentaria* was binding upon their own members, but not upon others. It did not give that house a power which is not possessed by the sovereign,—the power of committing a person for an offence cognizable by the legal tribunals. It was likewise a most material objection against this supposed right, that they could not proportion the punishment to the offence; as an individual might by possibility be confined seven years, or only five minutes. Much had been said of the dignity of that house; but if dignity was to be measured and supported by punishment, Jack Ketch must have more dignity than any other individual in the kingdom. If strong powers were to be given any where, he should prefer giving them to the king. But as he had ever been an enemy to the exercise of arbitrary power in any quarter, he must oppose what he looked upon as an usurpation of an unconstitutional and arbitrary power on the part of that house." Mr Sheridan's amendment was then negatived without a division, and only fourteen persons were found to vote for the original motion against 153.

A few days after this debate, Sir Francis printed his speech in an enlarged form, and containing more offensive language than he had used in the house; he published it in Cobbet's Weekly Register, and introduced it with a letter to his constituents. "The House of Commons" he said in this letter, "having passed a vote, which amounts to a declaration, that an order of theirs is to be of more weight than Magna Charta and the laws of the land, I think it my duty to lay my sentiments thereon before my constituents, whose character as freemen, and even whose personal safety, depend, in so great a degree, upon the decision of this question—a question of no less importance than this: Whether our liberty be still to be secured by the laws of our forefathers, or be to lay at the absolute mercy of a part of our fellow-subjects, collected together by means which it is not necessary for me to describe?

"Should the principle, upon which the gentlemen of the House of Commons have thought proper to act in this instance, be once admitted, it is impossible for any one to conjecture how soon he himself may be summoned from his dwelling, and be hurried, without trial, and without oath

made against him, from the bosom of his family, into the clutches of a jailor. It is, therefore, now the time to resist the doctrine upon which Mr Jones has been sent to Newgate; or, it is high time to cease all pretensions to those liberties which were acquired by our forefathers, after so many struggles and so many sacrifices.

"We seek for, and we need seek for, nothing new; we ask for no more than what our forefathers insisted upon as their own; we ask for no more than what they bequeathed unto us; we ask for no more than what they, in the testament which some of them had sealed, and which the rest of them were ready to seal, with their blood, expressly declared to be 'the birthright of the people of England;' namely, 'the laws of England.' To these laws we have a right to look, with confidence, for security; to these laws the individual now imprisoned has, through me, applied for redress in vain. Those, who have imprisoned him, have refused to listen to my voice. Your voice may come with more force; may command greater respect; and I am not without hope, that it may prove irresistible, if it proclaim to this House of Commons, in the same tone as the tongues of our ancestors proclaimed to the kings of old, '*Nolumus leges Angliæ mutare;*' or, in our own more clear and not less forcible language; 'the laws of England shall not be changed.'

"The principle, fellow citizens, for which we are now contending, is the same principle, for which the people of England have contended from the earliest ages. It was this principle which was attacked by Charles the First, in the measure of ship money, when again the people of England and an uncorrupted House of Commons renewed the contest; a contest which ended in the imprisonment, the trial, the condemnation, and the execution of that ill-advised king. The self-same principle it was, that was so daringly violated by his son James the Second; and for which violation he was compelled to flee from the just indignation of the people, who not only stript him of his crown, but who prevented that crown from descending to his family. If every one of you be liable, at any time, to be sent to jail without trial, and without oath made against you, and there to be detained as long as it pleases the parties sending you there, (perhaps to the end of your life,) without any court to appeal to, without any means of redress; if this be the case, shall we still boast of the laws and of the liberties of England? Volumes have been written by foreigners, as well as by our own countrymen, in praise of that part of our law, which, in so admirable a manner, provides for our personal safety against any attacks of men in power. This has been, in all ages, the pride of our country; it is the maintenance of this principle which enabled us to escape that bondage, in which all the states and kingdoms in Europe were enthralled, by abandoning and yielding it up; and, we may be assured, that if we now abandon it, the bright days of England's glory will set in the nigh of her disgrace.

"But, I would fain believe that such is not to be our fate. Our forefathers made stern grim-visaged prerogative hide his head: they broke in pieces his sharp and massy sword. And shall we, their sons, be afraid to enter the lists with undefined privilege, assuming the powers of prerogative?

"I shall be told, perhaps, that there is not much danger of this power be-

ing very frequently exercised. I do not suppose that the gentlemen of the House of Commons will send any one of you to jail when you do not displease them. Mr Yorke did not move for the sending of Mr Jones to jail, until Mr Jones displeased him; but, it is not a very great compliment to pay to any constitution, to say, that it does not permit a man to be imprisoned, unless he has done something to displease persons in power. At this moment, it is true, we see but one man actually in jail for having displeased those gentlemen; but the fate of this one man (as is the effect of all punishments) will deter others from expressing their opinions of the conduct of those who have had the power to punish him. And, moreover, it is in the nature of all power, and especially of assumed and undefined power, to increase as it advances in age; and, as Magna Charta and the law of the land have not been sufficient to protect Mr Jones, what security have we, unless this power of imprisonment be given up, that we shall not see other men sent to jail for stating their opinion respecting rotten boroughs, respecting placemen and pensioners sitting in the house; or, in short, for making any declaration, giving any opinion, stating any fact, betraying any feeling, whether by writing, by word of mouth, or by gesture, which may displease any of the gentlemen assembled in St Stephen's chapel?

"Then, again, as to the kind of punishment; why should they stop at sending persons to jail? If they can send whom they please to jail; if they can keep the persons, so sent, in jail as long as they please; if they can set their prisoners free at the end of the first hour, or keep them confined for seven years; if, in short, their absolute will is to have the force of law, what security can you have that they will stop at imprisonment? If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York jail as well as to a jail in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but, what is there to restrain them?"

The speech itself, or argument, as it was now entitled, contained, amid many legal and constitutional references, many passages in the same inflammatory strain as the letter. Of the speaker's warrant it was said, "Let this instrument—this thing *sui generis*—be contrasted with the properties of a lawful warrant. Does it not evidently appear, that this piece of unsealed paper, signed by the speaker, by which an untried subject has been outlawed, bears no feature of legality? And that from the commencement of this proceeding—in its progress and to its conclusion—there is not one step that has not been marked in a peculiar manner with disrespect for the laws—a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive.

"Upon what ground or pretence," said Sir Francis, in this argument, "have the house assumed a power to punish? Since they have taken upon themselves this power, it is fair to call upon them to shew how they came by it, and when they first claimed it. The commencement of this usurpation was when they got rid of the upper house of parliament, and cut off the head of the king. They still, it seems, are emboldened to re-

tain an illegal power, not pretended to even by the king, but which these local sovereigns over the king claim as of right. But no wonder, when they have so entirely departed from the ends of their institution—as was offered to be proved by Mr Madocks, and acknowledged by themselves, in the never-to-be-forgotten morning of the 11th of May, one thousand eight hundred and nine; when, from being the lower or inferior (for it is the same sense, one being an English, the other a Latin word,) branch of the legislature, they have become the proprietors, by burgage tenure, of the whole representation; and, in that capacity, inflated with their high-blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people.

"The Commons," he concluded, "do not sit in that house for their dignity, but as servants of the people; not to exercise prerogative and power over them, but to inspect and controul the public accounts, to protect liberty and property; to complain of exorbitances of power in any quarter; and to maintain the laws of the land. They are the last persons who ought to set an example of encroachment. If they become destroyers of the liberties of the people, in them oppression is combined with treachery; they destroy where they are bound to protect. One cannot, with such impressions in one's mind, help entertaining a fear, that the gentlemen of the House of Commons, may in time, unless they revert to the great principles of the constitution, be in danger of incurring the sentence of St Paul upon the insolent and tyrannical high priest, Ananias, who had commanded him to be stricken for opening his mouth in his own defence:—"God shall smite thee, thou whited wall: For sittest thou to judge me after the law, and commandest me to be smitten contrary to the law?"

It was apparent that a letter and an argument, couched in such terms and so published, were intended as a defiance to the House of Commons. Mr Lethbridge, member for Somersetshire, *March* 27. complained of it to the house; being induced, he said, to bring the matter forward, as an Englishman, in defence of the privileges of parliament, and as the representative of as independent and free a body as any in Old England.—The whole paper was read; Mr Lethbridge then pointed out the specific passages on which he founded his complaint, and called upon the house to vindicate themselves from a series of unjust and unjustifiable aspersions, and punish this violation of their privileges in what manner might to their wisdoms appear most fitting. Sir Francis being told by the speaker, that now was the time for him, according to the uniform practice of parliament, to be heard in his own defence, replied in a low tone of voice, "that Mr Lethbridge was bound explicitly to point out the nature of the charge, and till he should hear something in refutation of the principles of his paper, he could not look upon himself as called upon to undertake their defence. He had no hesitation to state, that in writing that address and argument he had no idea that he was infringing any privilege of the house.—Was it to be supposed that the simple act of arguing on the powers of the Commons was a crime? He was willing to abide by the fact and argument of that paper. He would stand the issue; but

if it were the pleasure of the house that he should withdraw, he was ready so to do." Accordingly, upon the speaker stating, that such was the unchanged, and, as he hoped, unchangeable practice of parliament, he withdrew. Mr Lethbridge then said, "he wished the forms of the house had not precluded Sir Francis from hearing what he had to say. If that house had any regard for its character, it would put a stop to such proceedings as they had lately witnessed. He had heard things stated in that house which had made the hair on his head stand on end." A laugh was raised at this; but Mr Lethbridge, who was neither to be ridiculed nor deterred from doing what he felt to be his duty, pursued; "Such," he said, "was the feeling of horror with which he had heard it there affirmed, that in the opinion of the public the reputation of that house had not a leg to stand upon. Such proceedings, he trusted, would be effectually put a stop to; he moved therefore, that the paper before the house was a libellous and scandalous paper, and that Sir Francis Burdett, who suffered it to be printed with his name and by his authority, had been guilty of a violation of the privileges of the house. These resolutions, he trusted, would be adopted; they must be adopted, if the house wished to save its own character and that of Old England." Mr Blachford seconded the motion. Mr Ponsonby moved, that the discussion should be delayed for a week, on the ground that the minds of the members were fully engrossed with the Walcheren question, which was then pending. Mr Perceval contended, that both the importance of the business, and the feelings of the individual, required the earliest decision, and that the members would have sufficient opportunity of examining the paper by the morrow. Mr Whitbread, insinuating that the Chancellor of the Exchequer designed by this business to distract the attention of the house and the feelings of the public from the Walcheren question, which had occupied so much of both, proposed an adjournment till Friday, the third day from thence, by which time the debate on the expedition would be terminated. Under such an imputation, Mr Perceval replied, he could not sit silent. "Have I," said he, "advised the honourable baronet to publish the paper which is the foundation of the charge against him? Did I recommend to him to publish it on Saturday last, so as to occasion this delay at this particular time? Have I had any concern in the mode in which the question has been brought before the house? The question is of the last importance to the character, the dignity, the honour, and the independence of this house. The longer they suffer the decision upon it to be delayed, the longer they would submit to be trampled upon. The law of the case had lately been discussed and decided upon in a full house, almost unanimously, only fourteen voting with the honourable baronet, and many of them on the ground that the previous confinement of the individual was a sufficient punishment for his offence. The consideration, however, that one individual was in custody, and another under accusation, was a reason for restricting the adjournment to the shortest possible period."

The house divided on Mr Whitbread's proposal. 146 voted for the adjournment till Friday, and it was decided by a majority of 50, that the

question should be resu-
March 28. med on the morrow. The debate was then prosecuted with increased warmth. Mr Brand moved for a week's delay; for though he conceived that Sir Francis had clearly been guilty of a breach of privilege, yet when his paper was pronounced to be a libel upon the just rights of the house, it was proper to have time for considering what those just rights were. He admitted that a question in which the privileges of parliament and the liberty of the subject were concerned, was of more importance than twenty expeditions to the Scheldt, or to any other part of the globe: but there was no cause for precipitation; no mischief could result from any farther circulation of the paper, and if Mr Lethbridge had been aware of the interruption which such a topic was likely to give to the important question then pending, he was convinced that he would not have lent himself to any such purpose; for he himself thought, and all persons must think, that it was a sop thrown out to an attentive house and an indignant people.

This motion was supported by Mr Whitbread. "If Mr Lethbridge," he said, "had not lent himself to any man in the course he had taken, he had allowed himself to be influenced by the Chancellor of the Exchequer, who had taken advantage of his facility, availing himself of the question as a God-send, in the same manner as a drowning man would catch at a straw, in the desperate hope that it would afford him a short respite from the impending decision upon his conduct. Many things happened between the cup and the lip, so also did many things happen between the halter and the gallows. Mr Lethbridge had said, that on hearing certain statements in that house, he was so affected that his hair stood on end. Now that the house knew he had the gift of language, he trusted that he would not hereafter remain silent; but when he next became sensible of this visible effect, suffer his moral to overpower his physical impressions, and move that the terrifying words be taken down. It would certainly be desirable on every account that he should not let them remain in oblivion for three weeks, and then make the unfortunate utterer of them become the object of another charge, by bringing them in judgement against him." Another personal allusion of Mr Whitbread's did not pass without notice. "When he heard the mover and the seconder," he said, "speaking of combinations in the house, and the spirit of jacobinism out of it, he could scarcely believe that he was not listening to the organs of the late member for Cambridgeshire; this was the legacy bequeathed to that house by the Teller of the Exchequer." This provoked an angry and ill-judged reply from Mr Yorke's brother, Sir Joseph. "Whatever legacy," he said, "was bequeathed by the late member for Cambridgeshire, would be remembered with respect by the house: certain he was, that it must be as good as any which proceeded from a brewer of bad porter." Mr Whitbread used the opportunity well which had thus been afforded him. "Whatever might be the emotions of his friends," he said, "at the language which had been used, (for there was a loud and general cry of order) he could assure the house he was in no other way affected by it than as a tradesman, and he only hoped, that as the honourable gentleman conceived so bad an opinion of him, in supposing that he had so far deviated from the precepts and

practice of his father, that he would do his porter the justice to make a trial of it. If he should order a cask, he would undertake to furnish him with the best, and all he should ask in return was, that he would give it to the electors of Cambridgeshire to drink the health of their late member." Lord Milton moved, that Sir Joseph Yorke's words should be taken down; but Mr Whitbread, with becoming temper, declared, "that he felt perfect good humour upon the occasion, and that as the honourable gentleman was, as appeared by his countenance, restored to tranquillity, he required no apology, and hoped the house would not call for any." This circumstance, and the manner in which it was treated by Mr Whitbread, gave great matter of triumph to that side of the house; but Mr Croker, with equal readiness and spirit, recalled them to the immediate point in discussion. "The feelings of Sir Joseph Yorke," he said, "afforded a sufficient apology for the language he had made use of, considering the manner in which his brother had been alluded to." A cry of Question! question! was here set up. "Some indulgence," he continued, "he had expected from the good humour of the gentlemen opposite; they had not called out thus clamorously for the question when Mr Whitbread was so evidently deviating from it, and using language as rude and as unparliamentary as had been employed on the other side. The question did not require a moment's deliberation. Mr Whitbread had said, that he was not to be intimidated from stating his opinions on the subject, however those opinions might lean; neither am I," said Mr Croker, "to be clamoured into silence by any outcry or monosyllable, unaccompanied by any argument. Sir Francis Burdett spoke in the house upon the commitment which is complained of; but he did not dare to utter those sentiments, nor to employ those expressions, which he has since sent forth to the public. He has published, in the shape of an argument, what professes to be that speech: he sets at defiance the unanimous decision of the house, and instead of openly and candidly avowing his opinion in the house itself, he libels their proceedings before the public, and declares it to be a violation of the constitution and of the rights of the people; a sentiment which he dared not avow in this house. I appeal to you, Mr Speaker, without entering into any laboured argument; I appeal to you, whose authority and signature he has traduced, whether, if he had dared to make use of such expressions before you, you would not have felt it your duty to have called him to order, as you did once before this session, when he was proceeding to indulge in invective against the dignity and character of this house. I appeal to the house, if any such language had been uttered within these walls, whether you would not have deemed it not only highly irregular and unparliamentary, but a libel on the house. But I appeal further to the house, if the sentiments of the honourable baronet on this subject are not well known, and if they are not such as require no attempt to prove the application or tendency of the language he employs (Order! order! was here called out by several members.) I insist," pursued Mr Croker, "that we do know his sentiments, because they have been avowed before, and therefore I am not to be called to order: While humbly supporting the dignity of the chair, and the privileges of this house, I am not out of order,—I

say humbly, for neither the dignity of the chair, nor the honour of the house, stand in need of such defenders. There can be no doubt of the question, unless the forms and privileges of the house are wholly changed. Whatever the principle of the commitment may be, there can be no doubt of the illegality of the argument: there can be no doubt, that the paper is a most audacious libel. The gentlemen opposite admit that it is a libel, and yet they wish for delay. If the libel is admitted, what occasion is there for farther time to consider?"

Sir Samuel Romilly spoke in a strain more suited to the temper of the populace, and less to the occasion. "The paper had been objected to," he said, "because many parts of it were conceived in strong language; why should there not be strong language in arguing a matter of great consequence, involving the rights of the public and the constitution of the country? There were offensive paragraphs in that paper; but he could not view them in the mischievous light in which they had been represented; and did they amount to a libel? There might be inflammatory language in it; but at the same time it was reasoned with great ability, and all the great authorities and precedents on the subject were argued on with much learning. This was a grave argument, and God forbid that any man should be precluded from discussing such a subject. He besought the house to consider the question with moderation; the proposed resolutions, instead of protecting these privileges, would have a contrary effect. He was told that the house was not to listen to the language of intimidation; but considering what had lately passed at the numerous great meetings throughout the country, in which opinions, in many instances unanimous ones, on grand public questions, were declared contrary to the decisions of that house, he confessed that he had not courage to contend, that the majority of that house must be right, and the great body of the nation wrong, or to set up his own opinion (had he originally formed one in those majorities) against the voice of the nation."

Mr Perceval replied. He alluded to what Mr Whitbread had said concerning the halter and the gallows, just to shew, without resenting such language, that its wisdom, and liberality, and decorum were not unperceived; he pointed out the libellous language of Sir Francis's paper, and the mischievous drift of his reasoning, and quoted the words of Lord Kenyon, that "if ever a time should come when factious men would attempt to overthrow the government, they would begin by calumniating the courts of justice and the houses of parliament." "I solemnly call on the house," he continued, "to consider whether that time has not arrived! If they hesitate to pronounce that against the honourable baronet which they have not hesitated to pronounce against a less distinguished offender, they will sink low indeed in the public estimation. Grossly libellous as the proceeding of Mr G. Jones has been, it is trifling and contemptible, compared with this which is now complained of. If the house, from an apprehension of doing that which Sir Francis may perhaps wish, and in which he may perhaps triumph, were to abstain from doing their duty, they would indeed afford him cause for triumph, and would indeed deserve to be triumphed over and trodden upon. In asserting their own rights, they are asserting the rights of the people of England. The

only way to maintain their dignity was to do their duty;—to do it temperately, but to do it firmly and impartially."

Lord Folkestone, speaking in defence of the paper, argued for the adjournment, as indispensibly necessary when such differences of opinion existed. Mr Adam called for it, because, though a professional man, and much practised in professional habits, he yet required time for full and mature consideration. "He had not been prevented," he said, "from giving it this consideration, either by indolence or want of interest; but from the moment when it was first brought before the house, he had been engaged by either public or professional duties. Till three o'clock that morning in the House of Commons, and after the ordinary refreshment which nature required, being kept, if he might use the phrase, in harness all day, it was not too much to ask of those, whose situation afforded them the means of being assisted with a variety of opinions, to allow others, not so provided, at least a short time for deliberation. If this were denied, he should then be reduced, in common with many members, to this dilemma, that he must either surrender the privileges of the house, or agree in the condemnation of an individual, without being able to state, in a satisfactory manner, his conviction of his guilt."

Mr Tierney, who likewise called for adjournment, affirmed that the resolutions were of Treasury manufactory, and challenged any person to deny it; he would go farther, he said, and challenge the Chancellor of the Exchequer to deny, that a meeting had been convened at his house, to consider, discuss, and decide upon these resolutions, which were to be offered to the house in the person of an independent county member. This unworthy charge was directly and positively contradicted by Mr Lethbridge. Mr Tierney then said, there was an understanding upon this subject, for he was informed the seconder was there. Upon this Mr Blachford rose, and denied this second assertion. The decision of the house was not influenced by arguments and artifices, which had their origin in mere party spirit; Mr Adam had shewn good cause of delay, and his opinion was enforced by the weighty voice of Mr Wilberforce, who, whenever he speaks, is sure to be listened to with respect. The Master of the Rolls admitted the propriety of delay. "The paper," he said, "was a clear libel, and many who required time for consideration, would, he had no doubt, entertain the same opinion when time had been afforded them. If he were to frame a constitution anew, he was satisfied that he should feel it necessary to invest the house with the privileges which it now possessed. Of course he was an advocate for those privileges; but still it must be borne in mind, that the house, in asserting them, were judges in their own cause, and therefore, though they were never to be formally relinquished, they were yet to be very discreetly exercised. The present case was forced upon the house; glad he should have been not to have heard any thing about it; but, it was now impossible to give it the go-by; for the house was brought to the alternative, that it must, by giving up its privileges, incur the imputation of timidity, or assert them with manliness. Delay therefore was desirable, in order that as much weight and authority as possible might be brought to the decision."

To these arguments Mr Perceval yielded, retaining his former opinion, but feeling that it would appear pertinacious in him to press it. At the same time he distinctly stated, that the last motive which could induce him to yield was any thing like timidity,—the last ground, he believed, upon which the house would yield in such a case. "One word," he continued, "as to the cheers of the gentlemen on the other side;—those gentlemen professed a wish for unanimity, and yet when that disposition appeared, they exulted in it as a species of triumph; with this short remark he would leave them to enjoy their triumph." Mr Ponsonby replied, "The right honourable gentleman really rates himself too high and us too low, if he supposes there is any thing in his conduct or character which should make us feel elated by any triumph over him." This was the tone which the opposition, upon all occasions, affected to use towards Mr Perceval; such language, proceeding from such a party, if it reaches posterity, may well excite their wonder and their smiles.

Mr Lethbridge reluctantly yielded to the adjournment. If the enemies of administration pressed this point in the hope of keeping the public attention undiverted upon the Walcheren question, they were deceived. That discussion was concluded within the week; the ministry obtained a majority upon every division; and though the country had so lately been loud and well nigh unanimous in their outcries against this fatal expedition, the decision scarcely excited a remark. Just as the burning of Covent-Garden Theatre extinguished the public indignation against the convention of Cintra, Sir Francis Burdett now diverted the attention and the passions of the people. When the debate was resumed, Lord Ossulston began by arguing from the amiable private character of Sir Francis, his great stake in the country, and his ancient family, that he could not possibly be influenced by any anti-constitutional motives. Sir John Anstruther enforced the necessity of maintaining the privileges of parliament, but regretted that any such necessity should have been created. "The pamphlet," he said, "was remarkable for the gross want of candour which distinguished most of its quotations and statements; an awkward compilation of dull, clumsy, ill-digested plagiarisms; old and exploded doctrines renewed, without even their original strength, and put together so badly, as if they were either wholly misunderstood or stupidly misapplied. Whatever it was meant to be, it was any thing but mischievous. Now that it was before the house, and that they were called upon, either to stand by, or to renounce their privileges, there was no receding from the broad question; but he wished the libel had been left to its fate, and was very far, indeed, from panegyrising the prudence of Mr Lethbridge in forcing to it the attention of the house, and visiting it with a character of importance which it so little deserved. The next time that honourable gentleman felt his zeal prompting him so hastily, he would advise him to pause a little, consider the ulterior consequences to which a step in such matters might lead, and consult with others, whose experience might be found to equal his own, and whose counsel might prove no unworthy or unnecessary accession to the native resources of his own practical wisdom." *April 5.*

The many illiberal reflections cast upon Mr Lethbridge for the part which he had taken,—a manly and

honourable part, becoming the representative of so large and independent a body of freeholders, called forth a reply from Mr Stephen. "He could not," he said, "but observe upon the unfair treatment which that gentleman had met with from the opposition. First they laid it to his charge that he had been guilty of the offence of consulting with the ministers; when he denied this, the charge was turned upon the seconder; and when he too denied it, then Mr Lethbridge was arraigned for not having consulted persons of experience before he brought forward a matter of such importance." Lord Folkestone delivered his opinion, that the publication was not a libel; but he felt that the house was in a dilemma, and therefore moved the order of the day. This was supported by Sir S. Romilly, who spoke in such a strain, that Mr Adam said, with every sentiment of respect for his talents and knowledge, "he was compelled to declare, that if the doctrines which he now promulgated were suffered to prevail, there was, in his opinion, at once an end of the privileges of the house, an end of its authority, and with that an end of our free constitution, which has been obtained and preserved by the exertion of those privileges."

Mr Adam then entered into a long and learned argument upon the practice of parliament in such cases, shewing how often such a privilege had been exercised, and exposing the unfairness, as well as the fallacies of Sir Francis's publication. "His whole reasoning," he said, "proceeded upon the position that the law of parliament was not part of the law of the land. Refute that position, and the whole reasoning was overset. But," said Mr Adam, "that the law of parliament is a branch of the law of England, is so clearly laid down in the earliest and latest works of all who have written upon our laws and constitution, that I feel a degradation in being called on to make this assertion. Sir Francis Burdett has made a great display of legal authorities; Lord Coke is repeatly quoted by him, and his doctrines relied upon. Without dragging the house through all these quotations, and shewing that the doctrine relied upon by Sir Francis is doctrine referring to the common law, and not to the law of parliament; I do beg the house to attend to this one observation. Lord Coke wrote four great general works, by the name of Institutes. The last is the only one containing doctrine professedly on this very subject, and distinguishing throughout the common law from the law of parliament. This fourth Institute, accordingly, forms the great repository of the parliament, to which we all have recourse, when any question of the nature now under our discussion arises. Now, it will surprise the house when I tell them, that the numerous quotations which Sir Francis Burdett has made from Lord Coke, are all confined to the three first Institutes; and that he has not one quotation or reference to the fourth, the only work which Lord Coke has written professedly on the constitution of parliament. No, sir, this grand repertory of the law of parliament, in which are to be found all the doctrines respecting our privileges, is entirely passed by, and the existence of such a work is never once pointed out or acknowledged. What shall we say of the candour of a disquisition which is thus conducted? But, sir, this is not the only observation which this course calls forth. By treating this subject, with reference to the doctrine of the common law,

which is only one branch of the law of England, the mind is entirely misled, and doctrines referred to, which the law of parliament not only does not acknowledge, but denies."

With equal truth and equal severity, Mr Adam commented upon the language in which Sir Francis had characterized the speaker's warrant. "He says, p. 44, 'Let this instrument, THIS THING.'—Then come the two Latin words, '*sui generis*,'—unintelligible to the multitude; and, therefore, conveying to those whom it is meant to poison, the unqualified and contemptuous epithet, but saving the general sense of the passage from that meaning, by the insertion of the Latin words, which may be said to qualify. But, I do not put the injurious and most defamatory character of this part of the paper upon any nice distinction like this; I put it, sir, (addressing the speaker) upon the gross, the unjustifiable, and degrading manner in which he attacks the warrant issued under your hand, by the authority of this house. And because it has not a seal to it; because the ancient and undoubted authority by which the house have always spoken, according to the ancient law and usage of parliament, has not this appendage of a common law writ, it is scoffed at, and represented as bearing no feature of legality, not only that the unlettered multitude, but that men of education, may be deceived.

"Good God! sir, what is this country arrived at! What is the ignorance of the writer, or his persuasion of the ignorance of the people, when he states such an objection, in language and in substance so grossly libellous and offensive, as that this warrant, this instrument, by which the house acts in all its functions, judicial, legislative, and inquisitorial, is 'illegal in the gross and in all the ingredients!' Sir, it was by this warrant, however described, and whatever its form—this warrant without a seal, this warrant, signed by the speaker of the Commons House of Parliament, that our ancestors made the great seal of England in the hands of the keeper of the king's concience, in the custody of the Chancellor of England, bend to its will.—It was this abused, degraded, and vilified instrument, which made the Earl of Shaftesbury, in 1670, (when he lent himself to accomplish the tyrannical designs of Charles the Second, by attempting once more to attach to the crown the sole power of filling the vacancies of this house, and trying the returns of its members) give way to its authority. It is this warrant, this unsealed paper, which now daily commands the clerk of the crown to append the great seal of England to the writ for electing a member to this house—an effort so supreme and powerful, that it seems to me most extraordinary, that its efficacy should now be questioned; and questioned in such terms as have been applied to it in the argument of Sir Francis Burdett. That this warrant, which has endured for ages, which has, 'without a seal,' been in constant use to attain all the ends of this house, in its inquisitorial, as well as in its judicial character; which has been uniformly obeyed with as much regularity as the writs of other courts, in opening the repositories, and compelling the appearance of parties, should be characterized as bearing no feature of legality;—that a use of the warrant, which has been uniform and invariable for ages, should now be stigmatized 'as constituting the most unlawful act that the mind of man can conceive'—can only be account-

ed for, by considering it as resulting from a mind determined to libel the long established process of this branch of the high court of parliament; the forms of which are as much recognized as a part of the law of England, as the writs of those tribunals to which it is compared."

After having sifted and examined the precedents and authorities which Sir Francis had adduced, and shewn that it was by generalities, and misrepresentations of his argument, that the people were misled, Mr Adams concluded thus: "There is, sir, at present, a prevailing plan and system to degrade the House of Commons, and to represent this branch of the legislature (which is connected with, and flows from the people—which has privileges and rights exclusively belonging to it, of the highest nature; armed with which, it has repeatedly fought and conquered in the cause of the people,) as inferior to the other branches of the legislature. For this purpose, the miserable shift has been resorted to, of alluding to the appellation of the Lower House, as confirming this doctrine, and implying, that its rights and powers are inferior in their nature. They understand but little of the constitution of England, who rest upon such observations, and rely on such doctrine. The powers of this house vary from the other branches of the legislature, and its functions are different; but its rank is co-equal, and many of its powers exclusively its own: while its efforts have been peculiarly those, by which the constitution has been vindicated and asserted. Those who represent the House of Commons as inferior, and exalt the other powers of the state to its prejudice, are the worst enemies to the liberty of the country. This house has, and I trust will, by due attention to its dignity, its privileges, and its independence, in defiance of despotic attacks of the crown on the one hand to enslave it, or wicked or misguided efforts of some men on the other hand to degrade it, ever succeed in maintaining its proper rank and importance in the constitution; and as a sincere lover of my country, and therefore a strenuous advocate for the just, the necessary, the ancient privileges of this house, I conclude, *esto perpetua.*"

No answer was attempted to the arguments of Mr Adam's speech. Mr Whitbread declared that "he saw no libel whatever in the letter of Sir Francis. In the report of his speech there were indeed some points pushed to an extreme; but a disposition to exaggerate was the honourable baronet's constant error, who was too much in the habit of dealing in the superlative degree. This, however, was generally the error of sanguine men; and certainly no man could be more sanguine than Sir Francis was in the pursuit of his object, which was, no doubt, that of true constitutional liberty, for he saw no reason to impute to him any other motive. There were some passages in the paper which he confessed he could not understand, and of course he could not set them down as libels. For his own part, he did not perceive the smallest matter that was libellous in the publication: it ought not to have been noticed at all; and though noticed, it did not call for reprehension. As to the allusion to the means by which that house was assembled, he could see literally nothing improper in that: sure he was, that it would puzzle Sir Francis to point out how the member for Tralee (Mr Canning) came to have a seat there. As for the expression that the Bill of Rights might be converted into a

Bill of Wrongs, it was warranted by the manner in which that bill had been abused upon the committal of Gale Jones; and the scriptural language which Sir Francis had applied to that house, could not be found very inapplicable, after the conduct of Lord Castlereagh and Mr Perceval, in breach of the privilege of that house, had been palliated and passed over. Upon such a proceeding any terms of animadversion could hardly be too strong. He also would offer some scriptural language to their consideration; 'the beginning of strife was as the letting in of water:' he cautioned the house to consider well the course they were pursuing, and get out of the business. The best mode of doing this, would be to postpone the motion for so long a time that there would be no chance of any farther discussion of it; to liberate Gale Jones, and then let a question be raised upon the point of privilege, in such a shape that it might be discussed without any mixture of heat or prejudice, without any proceeding calculated unduly to influence their own minds, or to inflame the minds of others."

Mr Ponsonby took a different view of the subject, though he argued to the same effect. He maintained that the house possessed the privilege of committing for contempt, or for a libel, and that there were very intemperate expressions in the letter, perhaps libellous ones; but he contended that they were not of so marked a nature as would justify the house in resorting to so strong a measure, which, instead of making Sir Francis Burdett less powerful, would make him more so, and render the question for parliamentary reform more popular than it had ever been. Mr Grattan pursued the same strain of reasoning, in his own peculiar manner. "This," he said, "was a contest in which victory would be without glory, and in which defeat must be followed by disgrace. When the house went to hunt in holes and corners for questions of privilege, they diminished their own dignity. They might depend upon it, that the result of this contest would not tend to their satisfaction. Had they forgot Wilkes's case? Did they not know that it ended in his being elected for Middlesex, and nominated chamberlain of the city of London, and that parliament was at length obliged to shrink from the contest? In this battle between the giant and the dwarf, the giant diminished in size, and the dwarf magnified. The people of England, with their characteristic generosity, would range themselves on the weaker side, and oppose the shield of their compassion against the arm of power."

These allusions to the temper of the populace were too often repeated by the opposition. "If the house were brought into an unpleasant predicament, woe," said Mr Sheridan, "be to the late member for Cambridgeshire! he is answerable for its embarrassment, and for whatever consequences may follow." Mr Sheridan then asked "what was to follow the resolutions, if they were adopted? Did Mr Lethbridge mean to move that Sir Francis should be sent to the Tower? If that was his intention, for himself he would say, that he would not be made a stepping-stone to assist him in his progress. He would not consent to hurt a hair of Sir Francis's head. What did Mr Lethbridge or his friends mean to move? He called upon him for an answer, and he was entitled to an answer." To this demand, appearing

as it did almost like a menace, Mr Lethbridge replied, that "he was not to be driven from the line of conduct which he had prescribed for himself. He laid the resolutions before the house: if they were adopted, it would be competent for any member to follow them up by any motion he might think proper. When such a motion was proposed, he himself would give his vote conscientiously." Sir Robert Salisbury then rose, and declared that if the resolutions were passed, he would move that Sir Francis be committed to the Tower. Upon this Lord Porchester said, that though no man felt a stronger desire to uphold the privileges of the house, he could not vote for the resolutions, because he was convinced they proceeded from vindictive feelings.—"Vindictive?" Mr Wellesley Pole replied. "A more gross, foul, and scandalous libel had never occupied the attention of parliament; and if it was decided to be a libel, the duty of the house would be to commit the author to the Tower. Many of the members he thought had not spoken with freedom, because they were intimidated by what had passed out of doors." Mr Tierney complained that this was unparliamentary language; the speaker decided otherwise; and Mr W. Pole said he had been led to allude to the transactions without doors by what had happened to himself on his way to the house. He had been surrounded by a mob, many of whom exclaimed, Burdett for ever!—Mr Wilberforce remarked, "that this statement seemed to be an unfair argument; it seemed as if it were intended to induce the house to adopt the motion for commitment, by making them ashamed of appearing to be intimidated. To mark their sense of the paper, the house was in duty bound; for parliament had no right to give up the privileges of the people of England, of which the right claimed by the house was undoubtedly one, sanctioned by precedent, and essential to the independence of the house. But the wisest course would be to come to a vote on the resolutions at present, and to defer the consideration of the measure of punishment to a cooler moment." This advice might have been prudent, if it had been possible to let the business cool; but the longer parliament delayed its decision, the more would the demagogue writers have triumphed, and inflamed the people. 80 members voted with Lord Folkestone for the order of the day, 271 against it. Mr Lethbridge's resolutions were agreed to without a division, and Sir Robert Salisbury then moved for the commitment of Sir Francis to the Tower. Many members advised, instead of this, that he should be reprimanded in his place by the speaker, and this was put to the vote. The minority was much more numerous upon this than upon the preceding question, the commitment being carried only by a majority of 38. Mr Wilberforce and his friends, Mr Adam and Mr Williams Wynn, voted for the milder course. But all which had preceded, and all which followed, on the part of Sir Francis, shews, that had their opinion been followed, the consequences would only have been one step removed, and that if the house had not come to extremities, he would have forced them to it.

It was between seven and eight on Friday morning before the division was known. Mr Jones Burdett, the brother of Sir Francis, and Mr Roger O'Connor, the brother of Arthur O'Connor, who had been waiting at the house all night, drove off immediately to Wimbledon, to acquaint

Sir Francis with the result. Mean time the speaker signed the warrant at half past eight, and delivered it to Mr Colman, the serjeant-at-arms, directing him, if possible, to serve it before ten o'clock, that he might not have to convey Sir Francis through the streets of London in the middle of the day, if it could be avoided. Mr Colman, with the deputy-serjeant, Mr Clementson, immediately proceeded to Sir Francis's house in Piccadilly. Finding that he was not in town, the serjeant-at-arms returned home and wrote a letter to him, stating that he called for the purpose of serving the warrant and conveying him to the Tower, and adding, that, in performing his official duty, it was his wish to consult Sir Francis's convenience as to the time and method of his removal. Having done this, Mr Colman awaited his answer, and prepared to attend the house at its sitting, that he might report what he had done. Between three and four in the afternoon, as the speaker was at the table of the house, information was brought him that the serjeant was preparing to make his report, but that Sir Francis had been seen in the streets. Upon this the speaker sent out word to him not to stop to make any report here, but to go and take Sir Francis into custody. Mr Colman immediately went to Piccadilly, obtained admittance, and saw him. Sir Francis told him he had written an answer to his letter, thanking him for it, and saying he should be ready to receive him the next morning at eleven o'clock. At the same time, he informed him that he should write to the speaker. With this Mr Colman had no concern, and concluding from Sir Francis's words that he meant to go with him the next morning, he departed.

Having been desired by the speaker when he received the warrant to treat Sir Francis with proper courtesy, and being himself desirous of shewing all due respect and delicacy to a member of parliament on such an occasion, Mr Colman conceived that he incurred no risk in dealing thus with Sir Francis, instead of directly carrying the warrant into effect. In fact, it would not then have been in his power; for a large mob had by that time collected about the house, whose disposition to acts of turbulence was sufficiently apparent. He returned to the speaker, to inform him of what had passed. The speaker's first words were; "All I can have to say to you, is to ask where is the receipt of the lieutenant of the Tower for your prisoner?" Mr Colman replied by stating, that an arrangement had been made between him and Sir Francis that he should go to the Tower at eleven o'clock the next day. The speaker, who seems to have apprehended more difficulty than Mr Colman had as yet suspected, answered, "Possibly you may be in the Tower to-morrow, or sooner; but what you have to do now, is to go and take your prisoner to the Tower before dark;" and he advised him to call at the Secretary of State's Office for any assistance he conceived necessary to enable him to execute the warrant, thinking, as it appears, that there might be some obstacle on the part of the rabble. This was about six o'clock. Mr Colman went to the Secretary of State's Office. There Mr Ryder told him the business had been very much mismanaged. At this he expressed his sorrow, saying that he had done every thing in his power, and hoped he should be borne out. Mr Ryder then went away, and the serjeant

applied to the under secretary, Mr Beckett, and said he ought to have a sufficient civil force, and also an escort of cavalry, because police officers on foot would be unable to keep up with the carriage on the way to the Tower. Mr Beckett referred him to the magistrates, Mr Read and Mr Grahame, who were present, and they told him that if military assistance were found wanting, it should be sent to his relief.

Mr Colman, once more accompanied by the deputy-serjeant, then went back to Sir Francis's house, informed him that he had received a reprimand from the speaker for not executing the warrant in the morning, said that he was sorry thus to be obliged to name an earlier hour for his removal, and shewed him the warrant. Sir Francis replied, he was sure that the speaker would not upon consideration think Mr Colman to blame; for if he had intended to remain with him in the afternoon, it would not have been in his power, as, without any personal offence to him, he, Sir Francis, would not have permitted him to remain. The serjeant then said he should be obliged to resort to force, as it was his duty to execute the warrant. Sir Francis answered, "If you bring an overwhelming force, I must submit; but I dare not, from my allegiance to the king, and my respect for his laws, yield a voluntary submission to such a warrant: it is illegal." He added, that nothing but actual force should make him go, and that he would resist that as long as was in his power. The serjeant attempted to persuade him to a more peaceable course, but in vain. "You must leave my house," said Sir Francis. "I have written a letter to the speaker, which, if you please, you may take with you and deliver. It contains my resolution as to your warrant." This Mr Colman declined. He had already incurred blame, he said, by not executing the warrant, and he should be considered as more culpable if he carried any letter in contradiction to it. Finding it then necessary to withdraw, he left the house, and once more went to the Secretary of State's Office.

Here he found the under secretary and the two magistrates. He told them of the intention to resist which had now been avowed by Sir Francis, and endeavoured to impress upon them the insufficiency of a civil force, which could neither keep pace with the carriage, nor make any resistance if a rescue should be attempted. The magistrates still imagined that the civil authority would be sufficient, saying, that military force should be ready, if any person came and stated upon oath that it was required. Mr Colman remonstrated against such an arrangement. A mob, he said, might meet the carriage on the Islington road, (which he meant to take) and before any military assistance could be sent from the Horse Guards to his relief, it would be too late. They continued debating upon this point from nine o'clock till midnight, when Mr Colman, submitting to their opinion, but altogether unconvinced by it, consented to go the next morning with thirty constables, and begin his business, trusting, as he said, to chance, and to their sending him a military escort.

Sir Francis, meantime, sent his letter to the speaker by his own son, a youth of fourteen, and his brother, Mr Jones Burdett. It was in these words:

"Piccadilly, April 6, 1810.

"SIR,—When I was returned in due form by the electors of West,

minster, they imagined that they had chosen me as their trustee in a House of Commons, to maintain the laws and liberties of the land; having accepted that trust, I never will betray it: I have also, as a dutiful subject, taken an oath of allegiance to the king, to obey his laws; and I never will consent, by any act of mine, to obey any set of men, who, contrary to those laws, assume the power of the king.—Power and privilege are not the same things, and ought not to be confounded together; privilege is an exemption from power, and was by law secured to the third branch of the legislature to protect them, that they might safely protect the people; not to give them power to destroy the people.—Your warrant, sir, I believe you to know to be illegal. I know it to be so. To superior force I must submit; but I will not, and dare not, incur the danger of continuing voluntarily to make one of any set of men who shall assume illegally the whole power of the realm; and who have no more right to take myself, or any one of my constituents, by force, than I or they possess, to take any one of those who are now guilty of this usurpation. And I would condescend to accept the meanest office that would vacate my seat; being more desirous of getting out of my present association, than other men may be desirous of getting profitably into it.—Sir, this is not a letter in answer to a vote of thanks, it is an answer to a vote of a very different kind, I know not what to call it; but since you have begun this correspondence with me, I must beg you to read this my answer to those under whose orders you have commenced it.—I remain, sir, your most obedient humble servant,

"FRANCIS BURDETT."

This letter was delivered at the speaker's at ten o'clock that night, and an answer was desired; but of course none was given. By this time, those consequences began to be felt, which the conduct of Sir Francis was so well calculated to provoke, and the indecision of the government so little calculated to prevent. Ever since the vote of the house had been known, a crowd had been collecting in Piccadilly; it was begun by persons whom idleness or curiosity, rather than any evil design, led thither, and the boys and the rabble soon assembled, when they saw a rallying point for tumult and mischief. Many thousands were thus gathered together in the course of the day, and the opportunity which this afforded of exciting the passions of the populace, was not omitted by those who were more probably the dupes, than the agents of the demagogue faction. The streets were placarded with a notice, that a requisition was signing for a public meeting of the electors, to adopt such measures as might be expedient, in consequence of the House of Commons having deprived them of one of their representatives, and this bill was headed with the words Burdett and Westminster! in large letters. Placards of Burdett for ever! were circulated among the mob, who compelled all passengers, either in carriages or on horseback, to pull off their hats as they passed the house of Sir Francis, and huzza the hero of the day. Several carriages were assailed, and the windows broken. The Earl of Westmoreland was assaulted, and covered with mud; so also was an officer in full uniform, though he submitted hat in hand to the concessions which were required. Towards evening their number had greatly increased; pickpockets and ruffians of

every kind had resorted to a scene which was likely to afford them so favourable a field. As soon as the darkness had closed, they proceeded to more systematic outrages. A party went to the house in Berkeley-square, which Mr Lethbridge formerly inhabited, and began to break the windows. The present owner, whose wife was at that time lying dead in the house, came out, and the populace, finding their mistake, went on to Mr Yorke's, broke the windows, and window-frames, and covered the house with mud. They then proceeded to Lord Chatham's, to the Duke of Montrose's, Lord Westmoreland's, and Sir R. Peele's, everywhere committing the same outrages. They broke some of Lord Erskine's windows, not mistaking the house, but because, now that sport was begun, any man who was conspicuous was considered a fit object, and many houses of individuals, who were altogether unknown to the mob, were assailed in pure wantonness. Marquis Wellesley's house, and Mr Wellesley Pole's suffered much. At Sir John Anstruther's, they destroyed the chandeliers and some of the furniture, as well as the windows. A cry was set up, To Windham's, to Windham's! but the rabble did not know where he lived. They found the way to Lord Castlereagh's, Lord Dartmouth's, and Mr Perceval's; but by this the Horse-guards were ordered out, and several corps of volunteers were called to quarters.

About eleven at night, a notion prevailed that Sir Francis was not to be sent to the Tower, and the mob in Piccadilly and St James's-street insisted upon an illumination in honour of his triumph. Those who refused, or who did not instantly obey, had their windows broken. At midnight, the streets were in a blaze of light; but the dragoons, in larger or smaller bodies, were now scouring the streets in that vicinity, and by two o'clock the mob dispersed. All that had hitherto passed did not convince the government that effectual measures ought instantly to be used; and Mr Colman was suffered, on the following morning, to make another attempt, which he himself thought hopeless. At half past six, he went once more to Sir Francis's house, attended by Mr Clementson, two messengers from the House of Commons, and about twenty police officers. Early as the hour was, they were told that Sir Francis was not at home, and that it was not known when he would be in. Upon this Mr Colman, leaving a messenger in the hall of the house, set off for Wimbledon, supposing Sir Francis was at his residence there: he found that this was not the case, returned to town, gave the warrant to the messenger who was left in Piccadilly, and then went to his own house for a short time. Sir Francis had gone to breakfast with Mr O'Connor, after which he took a ride in the Park, certain that he should not be looked for there, and then returned home. There he saw the messenger, who gave him the warrant, and said he was ordered to remain with him. Sir Francis put the warrant in his pocket, saying, My friend, this is not a sufficient warrant, you may return and inform the speaker that I will not obey it.—The messenger replied, that his orders were to remain, and remain he must, unless he were forced to withdraw. Mr O'Connor then led him down stairs to the door, There is the door open, said he; you must go; but it is not my practice to be so uncivil as to lay violent hands on any one, and I hope

you will not make it necessary now. The messenger accordingly, feeling that sufficient compulsion for all legal purposes had been used, went away.

Mr Colman by this time had heard of Sir Francis's return, and once more hastened to his house. The door was opened a little way to him, being secured within by a chain, and as soon as he told his name, the servant replied, that he could not come in, and shut the door upon him. The crowd was now very great, extending through Piccadilly, beyond Berkeley-street on the one side, and as far as Clarges-street on the other. Placards, addressed to the people, were stuck up in several parts of the city, particularly in the neighbourhood of the Tower. About noon, a troop of the Life-guards, and a company of the Foot-guards took post before Sir Francis's house; the infantry on the pavement about the house, the cavalry on the opposite side of the street facing them. This did not prevent the populace from pursuing the same course as on the preceding day, and compelling all who passed to pull off their hats. At length the Life-guards were ordered to clear the street; the mob retreated wherever they appeared, but rallied as soon as they were gone, and things appeared so serious, that it was thought proper to read the riot act. During this transaction, Sir Francis from time to time shewed himself at the window, where he was cheered by the huzzas of the populace. He was visited during the day by his colleague Lord Cochrane, by Lord Folkestone, Mr Curran, Colonel Wardle, Mr Madocks, Major Cartwright and Mr Boswell; Earl Thanet also, Mr Coke of Norfolk, and Mr Whitbread called upon him; and they represented to him strongly the propriety of yielding obedience to the warrant, now that enough had been done to constitute a case for the trial of the right. His other friends seemed not to have advised him so wisely; and he himself replied, that his mind was made up on the question. In the evening he sent the following letter to the sheriff of Middlesex:—

"GENTLEMEN,—In furtherance of an attempt to deprive me of my liberty, under the authority of an instrument which I know to be illegal, viz. a warrant by the speaker of the House of Commons, my house is, at this moment, beset by a military force.

"As I am determined never to yield a voluntary obedience to an act contrary to the laws, I am resolved to resist the execution of such a warrant, by all the legal means in my power; and as you are the constitutional officers appointed to protect the inhabitants of your bailiwick from violence and oppression, from whatever quarter they may come, I make this requisition to you, gentlemen, to furnish me with your aid, with which the laws have provided you, either by calling out the *Posse Comitatus*, or such other as the case and circumstances may require.

"It is for you to consider how far you may be liable, should I, by any unlawful force, acting under an unlawful authority, be taken from my house.

"I have the honour to be, gentlemen, your very obedient humble servant, FRANCIS BURDETT.

"Piccadilly, April 7, 1810."

The government had expected no other difficulty in executing the warrant, than what a few peace officers, or at the worst the appearance of a troop of horse would dissipate. They

did not expect the sort of resistance which Sir Francis made, and were wholly unprepared for it. Sir Francis himself seems not to have known when he began, how far he should proceed; his language and his letter to Mr Colman, if not intended directly to deceive him, which it would be every way injurious to Sir Francis to suppose, clearly meant what Mr Colman understood it to mean, that he would go with him the next morning to the Tower. That gentleman's courtesy, the indecision of the executive government, the flattery of the mob perhaps, and probably the advice and encouragement of mischievous men, induced him to carry his resistance to a point, for which no excuse can be admitted, because all beyond what was necessary to constitute a legal case, could be productive of nothing but tumult and danger. It was upon the Saturday morning that he made up his resolution to barricade his house; had that resolution been taken earlier, he would not for a day and half have exposed himself to capture. In proportion as the magistrates acted with timidity, he and his party, as a necessary consequence, became audacious. Their indecision arose from a scruple whether or not it was lawful to use force in executing the speaker's warrant: now it is apparent, that if such a warrant cannot be enforced, it is in reality good for nothing; but instead of looking for the solution of the scruple in that principle of common sense, upon which all common law is founded, the magistrates and the ministers were anxious to find out cases and precedents, and obtain opinions which might justify an act, not only in itself justifiable, but now become absolutely necessary to the peace and safety of the metropolis. On the afternoon of Saturday, Mr Perceval advised the serjeant-at-arms to take the attorney-general's opinion. To obtain this it was necessary to have a case legally drawn up: in drawing up the case a blunder was made; instead of the warrant to the serjeant to take the body, that to the lieutenant of the Tower to receive the body was inserted; and farther delay was occasioned that this might be rectified. The opinion which Sir Vicary Gibbs delivered breathed the same indecisive spirit, which it was expected to remedy. "No instance, he said, having been stated to him in which the outer door of a house had been broken open under the speaker's warrant; and presuming that no such instance was to be found, he must therefore form his opinion altogether upon cases which have arisen upon the execution of writs or warrants issuing from other courts, and which seem to fall within the same principle. It is laid down, that where the king is a party, the sheriff may break open the defendant's house, either to arrest him, or to do other execution of the king's process, if otherwise he cannot enter, though he cannot break into a house at the suit of an individual; the distinction proceeding upon the greater importance of enforcing the process of the crown for the public benefit, than that of individuals for the support of their private right. Reasoning from hence, the attorney-general said, he should think that the speaker's warrant to apprehend a man, under sentence of commitment for a breach of the privileges of the House of Commons, might be executed in the same manner with criminal process in the name of the king; inasmuch as those privileges were given to the House of Commons for the benefit of the public only, and the public are interested in the due

support of them." So far the reasoning was clear, and the opinion conclusive. But what followed was little calculated to remove any apprehension of responsibility which the serjeant-at-arms might reasonably feel, when he saw so little decision in those who ought to have directed him, and in whom he should have had confidence. "If," the attorney-general continued, "the act had been done, and I were asked whether it could be defended, I should say that it could; but when it is previously known that the execution of the warrant will be resisted by force, and if death should ensue in such a conflict, the officer who executes the warrant would stand justified or not, as the breaking of the house may be held lawful or unlawful,—I feel myself obliged to bring this under his notice, leaving him to judge for himself, whether he will venture to act upon my opinion, which has no direct authority in point to support it, but rests upon reasoning from other cases." Mr Colman was thus left in doubt whether he should not become subject to an indictment for murder, if any person were killed in the contest which was so likely to ensue; and whether it would be murder, if any person in that contest should think proper to kill him.

Meantime the agitation of the public mind continually increased, and the populace became bolder, believing, as they had industriously been taught, that Sir Francis was engaged in resisting an invasion of the laws, and that their zeal was displayed in defence of the laws and institutions of the country. Mr Sheriff Wood, on receiving Sir Francis's letter, communicated it first to the lord mayor, and then went to the speaker, and required his information and advice upon the subject. The speaker said, that in issuing the warrant he had done his duty, and he doubted not that the sheriffs would do theirs. Mr Sheriff Wood's political opinions led him to take part in his feelings decidedly with Sir Francis, rather than with the government, which, by its forbearance, had suffered itself so unworthily to be brought into a contest with him. He therefore considered the letter which he had received as "an intimation of a disturbance, of which, as conservator of the peace, he was bound to take official notice;" so going to Sir Francis, and being requested by him to pass the night in the house, for the purpose of protecting it by the civil power against military force, he readily consented. In the course of the evening, he saw his colleague Mr Sheriff Atkins, and they jointly addressed a letter to the secretary of state, enclosing a copy of Sir Francis's letter, and requiring his instructions how to act in consequence. Mr Ryder replied, that it was not for him to enter into the reasoning of Sir Francis Burdett's letter; but he could have no doubt that they would feel it their duty to give every assistance which might be required of them in aid of the speaker's warrant, rather than in resistance to it. The two sheriffs remained in Sir Francis's house till between two and three in the morning; then feeling assured that no attempt would be made to enter it during the darkness, they returned home. The attorney-general had given it as his opinion, that it was not advisable to execute the warrant in the night; and even without such an opinion, it would have been felt that such an act could only properly be done in open day. During the evening and night of Saturday, the populace were prevented by the military from renewing the out-

rages of the preceding night. Some mischief however ensued, from the riotous disposition which had been excited; a party of the light dragoons were mistaken for Germans, from the foolery of their trappings, and this error exasperated the people, among whom so many inflammatory declamations against foreign troops had been circulated. The military were hooted and pelted, and several shots were fired at them: they bore these insults and outrages with exemplary forbearance; and even after one of their comrades had been shot with a ball through the jaw, they were not allowed to load their pistols till the magistrates had once more endeavoured to repress the tumult. This was found ineffectual; the civil officers, as well as the military, were assaulted with mud and stones. At length a few shots were fired by the soldiers in self-defence, and one man in Piccadilly was mortally wounded.

On Sunday, at seven o'clock, the serjeant-at-arms, with a party of police officers, once more demanded entrance at Sir Francis's door in vain. Messengers were then stationed to watch the house, and Mr Colman and his deputy remained alternately in the neighbourhood, waiting to apprehend him in case he should come out. The weather happened to be fine, and the idlers therefore being abroad, the concourse of people was far greater than it had been on the preceding days; and as their numbers increased they became more riotous, and began to insult and annoy the soldiers, hissing and groaning at them, and attacking them with stones and mud. They bore all this with the temper of Englishmen. One of the mob threw a handful of mud into the face of a dragoon; he wiped off the filth, rode up to the fellow, and exclaimed, "You rascal! if I hadn't a sword and pistols, I would get off my horse, and break every bone in your skin—don't do so again!" About one o'clock the two sheriffs waited again on Sir Francis. Mr Wood had no doubts as to the illegality of the warrant, nor as to the course which it would be his duty to pursue. His colleague, Mr Atkins, was of a different opinion; the warrant, he thought, must be legal, because it directed that the officer of the House of Commons should call on all mayors, sheriffs, magistrates and others, to assist in its execution. Mr Sheriff Wood went to the magistrates, who were assembled at the Gloucester Coffee-house, and, according to his own account, remonstrated with them against ordering the soldiers to act, telling them that if any death ensued, he would indict them for murder. The magistrates, however, publicly contradicted this, affirming that they never heard him use any such threatening language, and that his interference did not in any way prevent them from doing what they conceived to be their duty. The Life-guards continued patiently to bear the insults of the mob; they repeatedly requested them to desist; sometimes they presented their pistols, hoping to intimidate them, and sometimes made a shew of charging. All these means were ineffectual; and the Life-guards, being at last provoked beyond all endurance, made a charge, yet so as to disperse the mob without injuring them. The mob opened before them, and fled in all directions; but they rallied as soon as the guards returned to their post, and the same threatening symptoms continued till about dusk. Then it began to rain, and this drove away most of those whom mere idleness or curiosity had assem-

bled. The more mischievous spirits kept their ground. Having been driven from the west end of Piccadilly, they made the inhabitants from the east end of Coventry-street and St James's Church, whom they had before forced to illuminate, put out their lights about ten o'clock, and at the same time they broke all the lamps on both sides of the way. This made it evident (as was once the case on a more serious occasion at Dublin) that some scheme of mischief was going on. They carried away the ladders and scaffolding from a house which was under repair near Vigo-lane, and with these materials formed a barricade across Piccadilly, towards which they endeavoured to allure the cavalry, hoping that they would come on in full gallop, and thus be thrown. This artifice was discovered, and a party of foot soldiers soon broke down their works of defence. The rain became heavier towards midnight, and produced the same effect in quieting the town which the hour of dinner used to do at Paris in the days of the Fronde.

Meantime, on Sunday night the serjeant-at-arms succeeded in convincing the secretary of state that military assistance would be necessary to carry the warrant into effect. Sir Francis, expecting that Monday morning would put an end to the farce or tragedy of his resistance, prepared to give as much stage effect as possible to the catastrophe; and with that intent, as soon as breakfast was over, began to hear his son, an Eton boy, read and construe Magna Charta. A ladder was placed against the house, and one of the peace officers ascended, lifted up the sash of the room in which the family were assembled, and attempted to enter. Mr O'Connor ran up to him. An account, which evidently came from good authority, states, that it would have been easy for Mr O'Connor to have thrown this person off the ladder into the area; but Sir Francis called out not to hurt the man, and this gentleman "contented himself with putting one hand to his breast, and with the other shutting the window;" most prudently, —for if he had not so contented himself, he would probably have been very little contented with the legal consequences which would have ensued.

Having been baffled in this attempt, the police officers descended into the area, broke open a window, and entered. Mr O'Connor, who ran down stairs to see if all was safe below, came too late: they made their way up stairs, and the serjeant-at-arms followed and addressed the baronet, saying, "Sir Francis, you are my prisoner." "By what authority do you act?" said Sir Francis; "by what power, sir, have you broken into my house, in violation of the laws of the land?" Mr Colman replied, "Sir Francis, my authority is in my hand; it is the warrant of the right honourable the Speaker of the House of Commons." "That," rejoined Sir Francis, "is no sufficient warrant; no, not to arrest my person in the open street, much less to break open my house in violation of all law. If you have a warrant from his majesty, or from a proper officer of the king, I will pay instant obedience to it, but I will not yield to an illegal order." This was neither the time nor place for Mr Colman to discuss the legal question. "Sir Francis," he replied, "I demand you to yield in the name of the Commons House of Parliament, and I trust you will not compel me to use force. I entreat you to believe, that I wish to shew you every respect." Sir Francis answered, "I tell you distinctly that I will not voluntarily submit to an unlawful order;

and I demand in the king's name, and in the name of the law, that you forthwith retire from my house." "Then sir," said the serjeant, "I must call in assistance, and force you to yield." The constables upon this laid hold of Sir Francis. Mr Jones Burdett and Mr O'Connor immediately took him each by an arm; the peace officers closed on them all three, and drew them down stairs. Sir Francis protested in the king's name against this violation of his person and his house, and told them they were acting at their peril.

A coach was ready at the door; the cavalry surrounded it; Sir Francis got in with his brother, the deputy-serjeant, and a messenger; Mr Colman mounted his horse to attend him, and they set off with a strong escort up Albemarle-street, proceeding round by way of Islington. They went at a good rate, and it being earlier than the mob assembled, they had past up Albemarle-street before it was known that he was apprehended. A cry was then set up, "They have taken him, they have dragged him out of his house." It spread almost instantaneously; and before the cavalcade reached the Tower, the streets in its vicinity through which he was to pass were completely filled with people. Preparations had been made for his reception on Friday. Earl Moira, as governor of the Tower, arrived there at ten o'clock that morning to receive him in person, and many thousands waited about the gates and in the adjoining avenues, notwithstanding the rain, during the whole day. Others, supposing that Sir Francis would be brought by water, crowded to the wharfs, and lined the banks of the river. The same expectation continued on Saturday; that part of the river opposite the Tower was crowded with boats. Placards were stuck up in the city, and particularly in the neighbourhood of the Tower. One of them was in these words: "Britons, protect Burdett!" But though the government had not by timely vigour prevented all this agitation, they took effectual precautions against the consequences which it was so likely to produce, and called out such a military force as had never been seen in the metropolis before. Besides the volunteers, it is said that above 19,000 horse and foot were collected in and round London; and about 15,000 more, from different parts of the country, halted within a day's march. While the serjeant-at-arms escorted his prisoner by a circuitous way, to avoid as much as possible the crowded streets, two battalions of foot guards marched by the shortest route, through the Strand. Mr Colman had previously seen the lord mayor, and obtained his permission that the civil and military escort from Westminster might be allowed to enter the city. It was so arranged, in respect for the civil power and the rights of the city, that the city-marshal met these troops at Temple Bar, and headed them. They drew up three deep before the Tower gates, covering the entrance. Shortly after the escort arrived, the light dragoons cleared the way, and the coach drove to the Tower gates, amid the huzzas of the mob, and their shouts of Burdett for ever! Sir Francis alighted there, and was received with the usual ceremonies, and the gate was immediately shut.

The populace this day had hitherto committed little violence, curiosity and expectation had occupied them too much. They had hooted and hissed the troops; and some of the rabble, who had secured themselves from the horse within the paling, threw stones

at the cavalry. In return for these insults, some of the mob were driven into the Tower ditch, where there was just water enough to wet them. But on the return of the troops there was nothing to distract the attention of the people; they became outrageous, and pelted the soldiers with stones and mud, till these brave men, who had the feelings of Englishmen as well as themselves, could forbear no longer. Several shots were fired, and about eight persons wounded, two of them mortally. The soldiers thus made way for themselves through Fenchurch-street, then crossing over London Bridge, returned to the Horse Guards by way of Westminster Bridge.

When the house met in the evening, the speaker laid Sir Francis's letter before them; the rest of the sitting was employed in examining the serjeant-at-arms, respecting the events which had occurred, as far as he was concerned. Sir J. Anstruther said, "It was not a subject upon which he could speak very coolly, when he recollected, that, owing to a remissness in some quarter or other, the lives of his wife and children had been for a long time endangered. It appeared that ministers had not taken any steps whatever to provide against consequences which might have been so easily foreseen; the sort of advice which they had given to the serjeant was, 'Go and execute your warrant: you shall have all possible aid, both civil and military, but then we can't say how far you may lawfully go; never mind, however; do your duty, and then no matter whether in the event you are hanged for it or not." The attorney-general, in reply, attempted to throw the blame upon Mr Colman, "who," he said, "had twice through himself, and once through his deputy, the opportunity of taking Sir Francis into custody: in either case, any resistance made afterwards must have been construed into a rescue, which would have fully warranted the breaking into his house."—There was something neither very just nor very generous in thus censuring Mr Colman, upon whom so heavy a responsibility had been thrown. At first he had delayed to apprehend Sir Francis from that courtesy which he conceived due from one gentleman to another, and being deceived by an ambiguous answer; afterwards, it was not extraordinary that he hesitated how to act, when those persons of the highest authority, to whom he naturally looked for instructions, knew not how to advise him.

On the following evening, the letter of Sir Francis was taken into consideration. Mr Curwen began the discussion, by declaring, "that if, when the former question was before the house, he had known that Sir Francis intended altogether to deny the right of the house to imprison, he should not have voted against his committal as he then did. What the principles of the honourable baronet were, could hardly now be doubted. He was now compelled to think, that the former letter was part of a system determined on for bringing the House of Commons into contempt, and if the house had not taken notice of it in the manner they did, they would have been dragged into something else, and have had to meet other and farther attacks. Under such circumstances, whatever might be his opinion of ministers, it was his duty to support the government, and he would not move any thing which had a tendency to diminish its autho- *April* 10.

rity. The present letter was a trap for the house; if any proceeding should be had upon it, the expulsion of Sir Francis must be the consequence, by which a licence for tumult would be given during the fourteen days of a new election: the military must at that time be withdrawn, and evils still more serious than had already occurred might be expected. Thinking, therefore, that the wisest, as well as the most becoming course, was to consign this letter to the oblivion which it deserved, he moved that the farther consideration of it should be postponed for six months." Mr Davies Giddy seconded the motion; he also had voted against the committal, "not," he said, "as questioning the offence, but thinking it better not to have recourse to this severity in the first instance; being satisfied that if the offence was the result of bad intention, a future occasion would be given for the exercise of the ultimate power of the house. Conscious himself of rectitude of intention, he was slow in ascribing improper motives to others; but he could not now give Sir Francis Burdett credit even for rectitude of intention."

Mr Adam, who spoke next, spoke for the purpose of condemning ministers, as highly culpable. "They ought," he said, "to have known the effect of the warrant. It was a warrant in execution, not in mean process, (a term inapplicable to a parliamentary warrant,) issued for an offence which that house declared to have been committed. They were not to go to courts of law for their information. They stood on the law of parliament, which was part of the law of the land, and founded on reason. They were entitled to every assistance that might be requisite—to that of sheriffs, magistrates, police officers, not only in Middlesex, but in Surrey, nay, to the whole *posse comitatus* of the whole kingdom, to enforce obedience to a warrant of apprehension, for an act which the House of Commons had pronounced to be a crime. Yet, down to twenty-four hours before the warrant was executed, they did not know whether they were entitled to break open the door! What confidence, then, was to be placed in their judgement, in their knowledge, or in their determination?"

To this Mr Perceval replied, "that it was most unjust to lay to the charge of ministers the hesitation in acting upon a warrant, the execution of which depended not upon them, but upon the discretion of the proper officer, whose duty it was to have executed it at his peril. What would these arraigners of administration have said, if, at a time when one of the sheriffs was proclaiming that the interference of the military was unconstitutional, the ministers had taken the warrant out of the hands of the proper officer who hesitated, and executed it themselves! I trust," he continued, "that it will always be the unalterable principle of the government of this country to leave the law to its course, taking care, however, that the public security shall not be endangered." Then passing to the subject more immediately before them, "He had seen," he said, "in the former letter, every thing which appeared in the one now under consideration; he had seen that the object of the writer was to revile the House of Commons, and to bring it, if possible, into universal contempt. Any farther severity he readily agreed was unnecessary, and would be inexpedient; but to pass the offence over without notice, on the ground of con-

tempt, was, and would appear equivocal. The house, although it would not suffer itself to be entrapped, must take care not to shrink from its duty. The former punishment was for a defiance of the authority of that house, the present was but a continuation of that defiance; it was, however, a great aggravation of the offence to repeat it. He should therefore propose a resolution to this effect, that the letter which Sir Francis Burdett had written to the speaker, was a high aggravation of his offence; but that, as his commitment to the Tower had been executed, the house did not think it necessary to proceed further upon the said letter. Upon the principle there was no difference of opinion, and if any member could recommend a mode of proceeding more consistent with the dignity of the house, and at the same time best calculated to avoid those consequences which were apprehended from farther proceedings, he would readily assent to it."

These expressions were seized by Mr Whitbread. "The right honourable gentleman," he said, "was at length willing to attend to the dictates of expediency! he and his friends were disposed at last to consider consequences,—they were come to their senses, and were of opinion now, that the sooner the matter could be laid at rest the better. He was as ready as any to maintain, that the warrant of the speaker was complete, and of all others ought to be omnipotent; that if good for any thing it was good for every thing, and that it authorized the breaking open of doors, if necessary in order to enforce its execution. If it were not invested with that authority, what was to become of the most important functions of that house? How were witnesses to be brought to the bar, as in the recent investigation respecting the Duke of York? how was the house to come at various points of information material to the performance of its first duties? in a word, if the speaker's warrant were not omnipotent, what was to become of the inquisitorial character of that house? It was impossible that the people could be so insensible to their own best interests, could be so besotted as to entertain a wish of wrenching from the house a power so essential to all the good purposes of its institution. Let it be recollected, that although the House of Commons had erred from its duty in many instances, it ought not to be deprived of those privileges which were indispensible to its utility and power, whenever it should become in its constitution and conduct more conformable to the opinion and the interest of the people. That it must become so conformable, he could entertain little doubt. Indeed, the cause of reform was making rapid progress—within the last month, many, very many, converts had been made to that cause. Let it then be asked, in what state the house would be placed in the event of a reform, if stripped of the power under discussion? The crown was known to have a considerable influence in that house and elsewhere; and what must the people expect to be the inclination of that influence in the event of reform? Must they not calculate upon its hostility; and what power could a reformed House of Commons have of counteracting that hostility, if its warrant were not effective? Upon this ground therefore, most particularly, the speaker's warrant ought to be omnipotent."

Mr Whitbread then spoke of the injustice with which the serjeant-at-

arms had been censured, and called upon the house to consider the situation of that officer; exhausted as he was by so many sleepless nights, and left without any decisive advice or adequate means to enforce the warrant with which he was intrusted. "Ministers," he said, "had taken credit to themselves for not having prematurely called out the military; but why had they not called in the civil power sooner? Why had they not formed a decisive opinion upon the power of the warrant which they had issued? In 1780, when it was proposed to take the opinion of the judges as to the mode of quelling the riots, a great man exclaimed, 'What! wait for the opinion of the judges, when in a few hours all London may be in flames! No; let us act immediately, and take the responsibility upon ourselves.'—But our ministers were not so courageous,—they shrunk from the occasion, and now endeavoured to shelter themselves by the censure of a subordinate officer. Mr Curwen had said that he would stand by the government, that we ought at such a crisis to rally round ministers. But could he seriously call upon the house to rally round a rush,—to rely upon weakness? could he seriously talk thus, after the proofs of imbecillity and vacillation, which those ministers had so recently afforded? If he means to rally round the law of the constitution," said Mr Whitbread, "round the speaker's warrant when properly issued, I will cheerfully join him; but if his rallying point is to be the present ministers, he may set off as soon as he pleases. I shall stay where I am, and beg leave to decline any such connection."

Earl Temple condemned the ministry in language equally strong. "Their hesitating imbecillity," he said, "had brought on all the mischief, and he looked upon them as answerable for all the blood which had been shed." Mr Williams Wynn censured them, but in more moderate terms. "The charge against them," he said, "was not that they had not employed the military in the first instance, but that the secretary of state, being at the head of the civil power, had not employed it so soon as he ought to have done. A few constables on the Friday would have dispersed the mob, whose ringleaders on that day were but a set of boys." Mr Wynn, with his usual fairness, exculpated the serjeant-at-arms, who, he said, had a right to expect that those who supported the issue of the warrant, should have pointed out to him how it was to be executed. Upon the powers of that warrant, he maintained the same high constitutional opinion as Mr Adam, and regretted that those powers should be weakened, by being placed on lower grounds than those upon which they actually rested. In his view of the paper before the house, and of the manner in which it was proper to notice it, he agreed with Mr Perceval, recommending only that the resolution might be so worded as to pass unanimously, though he himself had no objection to it as it at present stood.

There have been few discussions in parliament, in which individual as well as party character so strikingly displayed itself. Mr Wynn and Mr Adam, while they were careful to express their opposition to ministers, censured them only for the point in which they deserved censure, and because they seemed to have compromised the constitutional rights of parliament. Mr Whitbread, indulging more in animosity, spoke upon the conduct of Sir Francis and the ques-

tion at issue, as if he regarded the temper of the populace, at least as much as the privileges and honour of the house. "If an expulsion were to take place," he said, "all must know what an election for Westminster was, and all must calculate upon the consequences of Sir Francis's re-election; an expulsion, therefore, was a proposition not be entertained even upon this ground. But he disclaimed all sense of fear, as among the causes of his opinion: he was not afraid of the consequences of conspiracies among any set of persons, nor did he believe in the existence of any conspiracies; neither did he mean to cast any censure upon Sir Francis, although he must say, that if the honourable baronet had confined himself to a proper shew of resistance, instead of proceeding to extremities, he would have placed his popularity upon a throne from which it could never be dislodged. For ministers were not to imagine that their manner of viewing things was general, nor that the country was filled with lawyers and attornies like themselves, likely and competent to make distinctions between the validity and value of a warrant. Their conduct had made as many converts to the doctrines of Sir Francis, as his own arguments had done; and numerous were the converts who had been made. Henceforth, therefore, let the house beware of doing things whereof they could not clearly foresee the consequence. There were few, he believed, who did not now regret the vote of committal which they had given upon the proposition of Mr Perceval, or at least what he had proposed through another." For Mr Whitbread did not scruple again to assert what had already been so positively denied. Sir Samuel Romilly spoke more temperately, but with the same drift. "He had no hesitation in stating his sense of the gross impropriety of the letter, and his astonishment at the whole conduct of Sir Francis since the vote of commitment, when he might as well have chosen to try the legal right on a motion for an *Habeas Corpus*, or an action for false imprisonment, as put it to the chance of an indictment for murder. He for one had foreseen the consequences of that vote. And as to supporting the dignity of the house, those who talked most of its dignity opposed the expulsion of Sir Francis, from the idea, that not only the rabble, but that the house-holders of the great city of Westminster, conceived the house to be so much in the wrong, that they would undoubtedly re-elect him. What kind of dignity, then, was that which had no reference to character, or to the opinion of the country?"—Lord Cochrane spoke with more consistency, maintaining, in manly but temperate language, that the House of Commons was not justified in committing for an offence cognizable by the laws of the country, and that its officer, in the execution of a warrant issued by its order, was not authorised in breaking into the house of any of his majesty's subjects. The house would most efficaciously uphold its dignity, by proving to the people that their actions were strictly correct and patriotic, than by any attempt to restrain the people from discussing their actions, under the shallow pretext of an undefined privilege.—Lord Cochrane has often been mistaken, and often misled; the worst injury which the radical reformers have done the country, has been by depriving it of his services, and withdrawing him from that career which he had so gloriously begun.

But he has the heart of a British seaman, and to that career it is earnestly to be hoped he will return.

But though Sir Francis found an open supporter in his colleague, and covert apologists in a few others, his conduct received the most decided condemnation from members of all parties, who united in expressing their indignation. Captain Parker, with the feelings of a sailor, declared his wish that the house would expel him at once; and Mr Beresford, saying that he believed his object was to overturn the constitution and revolutionize the country, said he would move for his expulsion, if he did not perceive that the opinion of the house was against it. Lord Porchester thought no language could be too strong to reproach his conduct from beginning to end. Sir John Sebright said it was the most disgraceful conduct that had ever come under the cognizance of the house. Was this his love of civil liberty, stirring up a tyrannical mob to aid him in the solution of a great constitutional question? And Mr Lyttleton declared, that though he had lived in terms of friendship with Sir Francis, he now abjured him, both as a private and as a political friend. Mr Perceval's resolution was at length passed, with an alteration of Mr Whitbread's, styling the letter, instead of an aggravation of his former offence, "a high and flagrant breach of the privileges of parliament."

As soon as possible after his committal, Sir Francis Burdett, having recourse to those legal methods which he ought to have appealed to at first, without the danger and bloodshed which had so wantonly been occasioned, served the speaker with a notice that a bill would be filed against him in the Court of King's Bench. The speaker communicated it to the house, and the letter containing this notice was entered upon the journals, Mr Whitbread observing that it might be the ground of great questions hereafter to be tried. *April* 13.

A few days afterwards, Sir Samuel Romilly moved for the discharge of John Gale Jones, upon the ground that the punishment had already been sufficiently severe for the offence. "As for the custom," he said, "of requiring that the person under confinement should present a petition, admitting the justice of his sentence, and expressing his contrition; this might have been the privilege of religious tribunals, which were content to make hypocrites when they could not make converts, but he hoped it would not be contended for by that house." Mr Ryder replied, that a recantation was not required; all that was demanded, was that the person should express his sorrow for having incurred the displeasure of the house. John Gale Jones continued a prisoner, not because his offence deserved a longer confinement, but because of his desire to put the House of Commons at defiance, and say that he had been the person to shew them that they had been wrong in all their former practice of commitment.—Sir Samuel's motion was supported by many members of great weight; Mr Canning, Mr Wilberforce, and Mr Adam declared in favour of it; so also did the Master of the Rolls, and Mr Williams Wynn, who, referring to the case of General Clavering, which had been alluded to, said he had abstained from moving for the release of that general, because he had conceived that it would be a lighter punishment for him to remain a month longer, than *April* 16.

be brought to the bar of the house, and receive a reprimand from the chair. Mr Windham reminded the house that a meeting of the Westminster electors was to take place on the morrow, and if Gale Jones were liberated, it would be on the vigil of their saint, giving up Barabbas to the people, who would not be imposed upon by the gift, would ascribe it not to moderation or justice, but to fear. 112 members voted for the motion, 160 against it.

On the following day the electors of Westminster held their meeting in Palace-yard, and passed a string of resolutions, declaring that "they most highly approve of Sir F. Burdett's letter to his constituents, the subject being of the utmost importance, and the argument incontrovertible; that his conduct, in calling upon the civil power for the protection of his house against a military force, was dictated by prudence, knowledge of, and confidence in, the laws of his country; and that the House of Commons be called upon to restore them their beloved representative, and to co-operate immediately with him in his endeavours to procure a fair representation of the people in parliament." A letter to Sir Francis had been prepared, which it was resolved should be presented by the high bailiff. "We feel the indignity," they said in this letter, "which has been offered to you; but we are not surprised to find that, when every excuse is made for public delinquents, the utmost rigour is exercised against him who pleads for the ancient and constitutional rights of the people. You nobly stept forward in defence of a fellow subject unjustly imprisoned, and you questioned with great ability and knowledge of the laws, the warrant issued upon that occasion; the House of Commons have answered your argument, by breaking into your house with a military force, seizing your person, and conveying you by a large body of troops to the Tower. Your distinction between privilege and power remains unaltered: the privileges of the House of Commons are for the protection, not for the destruction of the people. We have resolved to remonstrate with the House of Commons on the outrages committed under their orders, and to call upon them to restore you to your seat in parliament, which the present state of the country renders more than ever necessary for the furtherance of your and our object,—a reform of the representation in that house. While so many members are collected together by means 'which it is not necessary for us to describe,' we cannot but entertain the greatest apprehensions for the remainder of our liberties; and the employment of a military force against one of their own body, is but a sad presage of what may be expected by those who, like you, have the courage to stand forward in defence of the rights of the people."

They voted also a petition and remonstrance, in the following words:

"We, the inhabitant householders, electors of the city and liberties of Westminister, feel most sensibly the indignity offered to this city, in the person of our beloved representative, whose letter to us has fallen under the censure of your honourable house; but which, so far from deserving that censure, ought, in our opinion, to have led your honourable house to reconsider the subject, which he had so ably, legally, and constitutionally discussed.

"We are convinced that no one ought to be prosecutor and juror, judge and executioner, in his own

cause, much less to assume, accumulate, and exercise all these offices, in his own person.

"We are also convinced that the refusal of your honourable house to inquire into the conduct of Lord Castlereagh and Mr Perceval, (then two of his majesty's ministers) when distinctly charged with the sale of a seat in your honourable house, evidence of which was offered at the bar, by a member of your honourable house; and the avowal in your honourable house, 'that such practices were as notorious as the sun at noon day;' practices, at the bare mention of which the speaker of your honourable house declared 'that our ancestors would have started with indignation,' and the committal of Sir Francis Burdett to prison, enforced by military power, are circumstances which render evident the imperious necessity of an immediate reform in the representation of the people.

"We therefore most earnestly call upon your honourable house to restore to us our representative, and, according to the notice he has given, to take the state of the representation of the people into your serious consideration; a reform in which is, in our opinion, the only means of preserving the country from military despotism."

When the house assembled in the evening, Lord Cochrane presented this paper, and moved, according to custom, that it should lie on the table. The honourable J. W. Ward opposed it, saying, that if the house received it, they would submit to the grossest violation of their dignity. Mr Curwen suggested the propriety of withdrawing it, for the purpose of preparing one of a more decorous kind, if the object of the petitioners really was to promote the cause of reform. The language of this, he said, was highly indecent. Mr Whitbread justified the petition. Mr Canning and Mr Perceval, while they both agreed in feeling with those who condemned it, were of opinion that some intemperance of language might be overlooked, and that, in cases of petition, it was better to err on the side of indulgence than on that of severity. The petition, therefore, was ordered to lie on the table.

Sir Francis had forfeited all claim to respect from wise and moderate men; his occasional violence could no longer be excused on the plea of good intentions; it was now become apparent, that the man who systematically insulted and defied the House of Commons, would trample upon it if he could. But as law, and liberty, and the constitution, were still his pretexts, he was in no want of partizans among the young and the half-informed, who were the dupes of such language; nor among the rabble, whose passions were perpetually inflamed and exasperated by the journalists of a desperate faction. A few peace officers, it was triumphantly said, would have sufficed to convey any other man to the Tower; but the hero of the people could not be conducted there without the interference of an army,—horse, and foot, and artillery. The bare circumstance that it was necessary to call forth the army for this purpose, proved the power and the popularity of this great enemy of corruption; and now that, by the aid of the army, he was lodged in the Tower, he had acted with the same spirit as before, and in perfect consistency. That it might not be said he was reduced to silent submission, he had written a letter to the speaker, which renewed the attack, braved the power of the house again, and brought the parties into a new struggle,—a struggle which

the house did not venture to continue: they had only the power of expulsion left, and that power they did not chuse to exercise. The letter was also in itself consistent with all his former conduct; it contained not a word expressive of anarchical or democratical principles. It did indeed contain a point-blank attack upon the house, as at present constituted; but was there any thing new in that? Had he not called the house a room, and said that he would never call it the House of Commons more? He had been condemned for the conduct of the populace; but was *he* to blame because the people shewed their respect for him and their dislike to his enemies? Was *he* to blame because they made every one who passed his house pull off their hats in honour to him? Many persons had been killed and wounded by the soldiers,—many persons had been cut and hacked,—many parents, children, relations, friends, and neighbours had been filled with grief; but was it Sir Francis who had occasioned all the cuttings, and hackings, and bruisings, and killings? Was it *he* who ordered out the Horse-guards? Was it *he* who caused them to shoot people, and to chop them? "I," said one of these demagogues, "shall not point out any person or persons as having the blood of the killed upon their head. I shall leave that matter to the good sense and the justice of the people."

The same conduct which some of these agitators pursued, in furtherance of their deliberate system, was followed by a few other journalists from pure profligacy,—because it seemed to serve their immediate interest. A curious instance of this was proved in a court of justice. One of the daily papers was convicted of a flagrant and most inflammatory libel upon the Horse-guards, for their conduct during the disturbances which Sir Francis had occasioned; it appeared in evidence, that the paper in question had declined in sale by taking the side of the Covent-Garden managers in the O. P. war; that a meeting of the proprietors, who were a committee of auctioneers, was held upon the present business, to determine what line of politics would be most likely to recover the popularity which they had lost; that upon this ground they resolved to espouse the part of Sir Francis; gave especial directions not to spare the soldiers; and because the ostensible editor, happening to think otherwise, did not write with sufficient spirit upon the occasion, an unlucky assistant stept in to infuse gall into his columns; the effect of which was, that the printer and publisher were sent to Newgate.

Even such wretches as these influenced in no inconsiderable degree the mind of the public,—at all times easily excited when their passions are appealed to, and still more so when the appeal is made in the polluted names of humanity and freedom, and the constitution of their country. The coroner's inquest brought in verdicts of wilful murder upon two of the men who were shot; the verdict upon the third was justifiable homicide. One of the many melancholy consequences of popular agitation is, that it renders human testimony of so little worth. We happen to know the real facts of the two former cases, by accidental evidence so clear, so positive, so circumstantial, so remote from every possible cause of suspicion, that we could not but give full credit to it; that evidence enables us to state, that in both cases the unhappy sufferers had committed the same act of aggression, more no doubt in sport-

iveness than with any evil design, but it was precisely the very act which of all others rendered the consequences most certain: they had each seized the bridle of a Life-guardsman's horse. Upon the grave of one of these unfortunate men, the manner of his death and the verdict were recorded, and a text from Scripture followed: "Thus saith the Lord God; my right hand shall not spare the sinners, and my sword shall not cease over them that shed innocent blood upon the earth." Every allowance is to be made for the feelings of friends and relatives on such an occasion; no blame, therefore, is imputed to them; because the natural resentment of their grief co-operated with the views of a mischievous and designing faction. The opportunity was too favourable for that faction to lose, though it interfered with a system which they had long been evidently pursuing, of gaining over the soldiers by arguing against the character and severity of our martial laws. Those laws are indeed impolitic, cruel, and inconsistent with the British character: we shall see them amended; the disposition of the government insures this, as well as the improved and improving humanity of the age. But the highly culpable manner in which this party have uniformly treated the subject, while it betrays their motives, tends to delay so desirable a reformation.

The mob, being deluded by the agitators, and betrayed by their own feelings, took every opportunity of displaying their indignation against the Life-guardsmen, though it is certain that no soldiers had ever, on any occasion, behaved with more exemplary patience. Wherever they appeared, they were assailed with the most insolent reproaches; frequent frays took place, and it was not till one man had lost his life, that the heat of the popular temper abated. The discussions which took place in parliament tended to keep it up. A proclamation had been issued, offering a reward for the discovery and apprehension of the persons who had fired upon the military during the disturbances. Lord Ossulston asked the secretary of state, whether government, in like manner, meant to offer a reward for the discovery of the Life-guardsman, against whom the first verdict of wilful murder was returned. He was told, that, under all the circumstances of the case, it was not to be expected. Upon this, Mr Whitbread, being prevented by the custom of parliament from carrying on the discussion when there was no motion before the house, moved, without the customary notice, for the verdict of the coroner's inquest. "What," he said, "was it meant to be asserted that the verdict of a coroner's inquest was not deserving of any investigation? that it formed no ground for additional inquiry,—that no step should be taken in consequence of it? Was it not due to the cause of justice, to the feelings of the public, to the character of the soldiery, one of whom was accused of murder by this verdict, that an inquiry should take place? Would any minister pretend to disregard such a verdict,—to assume the right of a grand jury,—or to prevent that case, which a coroner's inquest pronounced to be wilful murder, from being referred to a jury for trial?" Mr William Smith supported the motion, arguing, as Mr Whitbread had done, that though the soldiery in general behaved well, it did not follow that one of them might not be guilty of murder. The home secretary had made inquiry into the matter: he was

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a justice of peace; had he, in making that inquiry, taken the depositions on oath?—The home secretary made answer, that a strict inquiry had been instituted into the conduct of the populace on one hand, and of the troops on the other; witnesses had been examined on oath; the inquiry was still proceeding: but from every thing which had yet appeared, the privy council had resolved to advise his majesty not to issue a proclamation upon the subject. Mr Perceval said, "the motion ought to be resisted, because of the manner in which it had been brought forward: Mr Whitbread had made the motion, only because he had been interrupted in irregularity, and was desirous of making a speech. Where was the urgency of the case, that he had thus taken the house by surprise? On that ground alone it ought to be negatived, for there was no excuse for departing from the accustomed usage. But, independently of that consideration, were the house to take into their own hands the administration of justice while in its progress? Were they to be inspectors of coroner's verdicts, and indictments for murder? Were they to stand in the situation of grand jurors?" Captain Agar, who had been on duty in Piccadilly, stated, that from ten to twenty shots were fired by the people before he heard one fired by the soldiers; and as several were fired about the same time, it was very likely that the soldier who fired the unfortunate one did not know it himself. Mr Lascelles very sensibly remarked, that the end of such a discussion as this, if Mr Whitbread and Lord Ossulston should obtain what they required, might be to send an individual before a jury to be tried for his life, under circumstances very partial and oppressive. This feeling, and the obvious impropriety of the proceeding, weighed with the house so effectually, that Mr Whitbread's motion was negatived without a division.

During the Easter recess, the freeholders of Middlesex had a public meeting at Hackney, where they voted an address of thanks to Sir Francis, and the following petition to the House of Commons:

"We have observed with concern, that in the cases of Mr John Gale Jones and Sir Francis Burdett, bart. your house assumed and exercised a power unknown to the law, and unwarranted by the constitution.

"Your speaker's warrant has been executed by military force; an Englishman's house, his sanctuary, has been violated; and the blood of unoffending citizens has been shed in the streets.

"Against the existence, as well as the exercise of this power, we solemnly protest—a protest the more necessary, because your votes in its support are entered on your journals; not so the letter of Sir Francis Burdett to your speaker, denying you such jurisdiction.

"In the early part of this reign, in the case of Mr Wilkes, the rights of this country, and of the nation, were repeatedly and grossly violated by the House of Commons. At length the law triumphed. After a struggle of nearly twenty years, the house abandoned the pretensions they had arrogated, and expunged from their journals all their declarations, orders, and resolutions, as being subversive of the rights of the whole body of electors of this kingdom.'

"You have, during your pleasure, deprived the citizens of Westminster of their share in the representation, and the public at large of the exertions of a faithful servant, in whose ability,

firmness, and integrity, they pre-eminently confide.

"We view with jealousy and suspicion the shutting up of Sir Francis Burdett in prison, when the attention of the nation is directed with anxiety to his intended motion for a reform in the representation of the people in your honourable house; that house in which the traffic of seats has been avowed, in the case of Mr Perceval and Lord Castlereagh, 'to be as notorious as the sun at noon day;' a practice, at the mention of which, in the emphatic language of your speaker, 'our ancestors would have started with indignation.'

"We therefore pray you to follow the example of your predecessors, 'to expunge all your declarations, orders, and resolutions on the subject, as tending to the subversion of our liberties,' and to the introduction of a military despotism, and to recal Sir Francis Burdett to the service of the country in parliament, that he may there enforce that plan of reform which last session he so powerfully recommended, and which, in our opinion, is absolutely necessary for the stability and honour of the throne, and the safety and well-being of the people."

May 2. Mr Byng, one of the county members, presented the petition, and moved that it should lie on the table. His colleague, Mr Mellish, seconded the motion; but declared that he did not support the petition. Mr Perceval, that nothing might have the appearance of haste or intemperance, desired that it might be read a second time. When this was done he said, "It was impossible to consider this petition in any other light than that of a deliberate and unparalleled insult to the house, and an experiment to try how far they would go in forbearance; considering, therefore, the style and temper of the Westminster petition, the reception of which sufficiently proved that he was willing to receive any petition, couched in terms at all consistent with the respect due to the house; considering also the language held out of doors, and seeing in this paper a proof that the forbearance of the house from time to time served but to encourage new insult, he thought it time that a line should be drawn somewhere, and the present was a fit occasion for that purpose." The discussion, however, on the suggestion of Mr Barham, was adjourned till the next day. Mr Barham then opened it himself. "Any decision," he said, "which the house might now come to, would carry with it greater weight. Desirous as he was of throwing open the doors of the house as wide as possible to the complaints and applications of the people, this was a paper which he felt it his duty to reject, because it was not a petition, but a protest against the authority of the house,—not an application, but a menace. Greatly, therefore, was it to be lamented, that there were members of that house, who lent themselves to the clamours of popular faction, and joined in this species of insult; such men were little aware of the consequences to which their conduct directly tended; for if once those factions, of which they were the tools, should succeed in their real object, which was the complete subversion of all existing authorities, these very men would be the first victims of the storm which they had helped to raise, and would be swept away like chaff before the wind. The parties with whom they combined, and for whom they acted, knew much better than they did the true

May 3.

purpose which all these proceedings were intended to bring on. But," continued Mr Barham, "while I feel myself justified in speaking thus of the framers and supporters of this petition, I do not think that all the blame is theirs; much is to be ascribed to ministers themselves. Their conduct, in all its parts, has been calculated to produce the dissatisfaction which unhappily prevails; they have disregarded the voice of the people; they have mocked them with sham inquiries; they have resisted every proposition for the reform of public abuses, and even when they have conceded to an inquiry, delinquency, when discovered, has been protected rather than punished. Even upon a recent occasion, when a member of this house, either deservedly or undeservedly, rendered himself obnoxious to the popular feeling, how did ministers mark their regard to public opinion? Why, by instantly covering that member with honours and rewards. Not content, however, with incurring for themselves the popular odium, they have also endeavoured, by their language, to transfer that odium to those who have constantly opposed their obnoxious measures, and never ceased to cry out against the ruinous tendency of such measures. They have given to the demagogues the example for that language by which the house is now continually reviled and insulted. Their constant reply to those who resisted their measures, or arraigned their misconduct, has been, that their only motive for opposition was a wish to get into their places. Could they suppose the people would not catch at such language? Their very phrases were adopted in every popular discussion, and made the general ground of abuse of both sides of the house."

Having thus delivered his opinion, Mr Barham moved, as an explanatory resolution, "that the house was at all times willing to receive the petitions of the people; but that it could not receive that, which, under the name of a petition, was a protest against the proceedings of the house."

The Honourable J. W. Ward, who had voted against the Westminster petition, declared that he should vote for this; for though his abhorrence of the principles of those who sent this petition remained unaltered, the house ought not to receive one, because its offensive nature could be explained away by a quibble, and reject another of the same kind, because a similar quibble could not be found. Their practice ought not to change from week to week, and day to day, merely because a Chancellor of the Exchequer had more political courage on one day than he had on another. Mr Alderman Combe said, that the petition came from a very numerous body of freeholders, and he should vote for it, because he did not know to what consequences its rejection might lead. To this Mr Grenfell replied, that though he did not know what might be the consequences of its rejection, he knew very well what the consequences of its reception would be; and if it were received, the table would soon be covered with insults and indignities, offered by those whose object it was to degrade, vilify, and insult the House of Commons. Mr W. Smith declared, that he had never felt more difficulty upon any subject. For six-and-twenty years he had been a representative of the people in that house, and had never voted against any popular or constitutional measure; but against this petition he must vote, because it was impossible to read it without feeling that it was

the object of the parties by whom it was drawn up to try to what extent they could contrive to insult the house, and still get their petition upon the table. The same opinion was expressed by Mr Wilberforce, who reminded the house, that "though the cry now adopted by the petitioners was in favour of the popular side, yet too much ought not to be conceded on that account, for the time might come when their petitions would be as much against the popular interests, as they now pretended to be for them, and in the same degree attempting to run down, vilify, and degrade the house. All must recollect that this was the case in the instance of Dr Sacheverel; and that in the reign of Charles II. the people were deluded into petitions, praying that no more parliaments might be assembled. Such things might happen again; and if they now gave way, they ought to remember that they were destroying solid strength; they were destroying the triumph of reason and justice; they were subverting all that was consistent with happiness, stability, and glory, to build up confusion and disgrace. He, for his own part, felt it a duty which he owed to those who sent him there, and to the people of England whom he represented, to reject such a petition." Mr Stephen pursued in the same strain. "There were some members," he said, "who declared, that they conceived themselves exonerated from all responsibility on this subject, as it was the conduct of ministers, and of ministers alone, which had excited these petitions. But he warned public men how they sought individually to be exonerated, or stood aloof in the moment of such an attack; it was indeed a regular systematic attack—the result of a system deeply considered, dangerously organized, and sought by every means to be widely diffused among the people; a system which, by affecting an hypocritical respect for the sovereign, went directly to undermine the House of Commons. It was the traitorous attempts of the last fifteen years now skulking under a new shape, and assuming a most dangerous and deadly form. There was no country which could be said to be safe where the legislative power was attacked with impunity, and daringly branded in such indecent terms. At any time this would be most dangerous, but at the present time the peril was doubly hazardous; a time when we were engaged in a most momentous and protracted war, and necessarily obliged to incur the most aggravated burthens. From such attempts no side of the house was safe—no men in the country secure. They menaced not party, but parliament—not ministers, but the constitution—not any certain set of men, but all the inestimable blessings which time, and toil, and struggles, had secured to the country. The question now was, whether the house would lend itself to such attempts; whether they would become the servile ministers of their own dishonour."

Mr Ponsonby, Mr Byng, Lord A. Hamilton, and Mr M. Fitzgerald, spoke in favour of receiving the petition; but the purpose with which it had been worded was so obvious and undeniable, that it was rejected by a majority of 139 against 58. The day after this petition had been thus properly rejected, another, not less mischievous in its object and offensive in its terms, was voted by the Livery of London. It stated, (for it is needless to load these annals with the wearying repetition of such papers) that "the house had assumed

a power above the law, and which could be enforced only by military violence,—a violence made manifest by the breaking open of an Englishman's castle, and by the preceding and subsequent murder of peaceable and unoffending citizens. Where was the justice of the house, where was its dignity? Its late proceedings required no comment; they had materially shaken what remained of the confidence of the subjects of these realms in the wisdom of that house; and the petitioners, feeling as their ancestors would have felt, could not repress the expression of their indignation and disgust. They therefore humbly, but firmly entreated the house to reconsider its conduct, retrace its steps, and expunge from its journals all its orders, declarations, and resolutions, respecting Mr Gale Jones and Sir Francis Burdett; no longer to prevent Sir Francis from exercising all his duties as a member of that house, and, in conjunction with him, to devise and adopt such measures as would insure an immediate and radical reform of parliament." Such is the sum of this petition, given in its own words. Sir W. Curtis presented it. This, he said, it was
May 8. his duty to do, as one of the representatives of the city of London; but the sentiments which it contained were very far from being his own. Mr Ryder immediately moved that it should be rejected. Mr Alderman Combe said, he was extremely sorry to see any opposition made to it, and hoped the house would pause before they suffered themselves to be persuaded to reject it. Mr Whitbread defended it with his usual vehemence. "What language," he asked, "were the petitioners to use? they thought that the house had acted wrong, and they tell it so in warm language; but when the feelings are roused, the language will be warm, and the ministry may blame themselves for having forced the people to say what they think. Look at your journals!" he exclaimed; "is it not there recorded that upwards of 300 members are sent to the house by the actual nomination or powerful influence of about 150 peers and others, and that seats are as openly bought and sold as stalls for cattle in a fair? What do the petitioners say more? They use the language of truth and of the journals of the house, and yet their petition is to be rejected for that language! Look at a recent case, which in no small degree illustrates the construction of the house. Mr Yorke, the new Teller of the Exchequer, upon his appointment to that office, vacates his seat. He again applies to a county, where, for his private virtues, he was respected; the county, indignant at his public conduct, almost unanimously dismiss him; he, however, finds his way again to the house, and how? by what influence returned? not the representative of a body of electors, but nominated by a peer. Is it possible that such things should be known to the people, and that they should not speak of them with warmth and indignation? Yet the petition is to be rejected! At this rate, if the ministry continue in office long enough, they will bring on an irreconcileable breach between the House of Commons and the people."

Such a speech called forth from Mr Perceval the reply which it deserved. "Mr Whitbread," he said, "argued that the House of Commons had already lost its dignity and its sense of justice, and that the confidence of the people in it was shaken: he had declared that such were

his sentiments; and he had added, that the house must not expect the people of England to approach them in their petitions with deference and respect. If this were, indeed, his opinion, he might well argue for the reception of any petition, however offensive or insulting. If he were prepared to receive the insults of any petitioners,—if he even led the way in insulting the house,—if he contended that the declaration that the House of Commons had lost its dignity, was the language of truth and justice, then indeed it was no longer surprising that he should support such a petition. He had asserted, that his majesty's present ministers were men calculated to bring the country into a difficult situation; but that they were not men calculated to fight the battles of the House of Commons against the people. If that battle must be fought, it seemed that the house would not have his assistance; on the contrary, it seemed that he was one of those with whom it would have to contend. Whatever," said Mr Perceval, "might be the success of that battle, I trust that the appearance of such documents as this which is now presented, will inspirit the house to resist the attack that is making upon them, and to shew that they are not to be intimidated, even though their assailants may be headed by Mr Whitbread himself. It is too obvious that there is a disposition existing in many individuals without these walls to degrade and vilify the two houses of parliament, and sorry I am to add, that there seems to be a person in this house disposed to lend his assistance to such an effort, and to set the example of using the strongest language of offence."

The spirit and severity of this reproof irritated Mr Whitbread. "Strong as his expressions had been," he replied, "language itself was deficient, in terms of adequate strength, to express the sense which he entertained of the want of dignity in the House of Commons, as considering their conduct with reference to themselves, and of their want of justice, as considering their conduct with reference to others. To the day of his death he would fight the battles of the people with the House of Commons, when the House of Commons were unjust; but whoever might lead the battles of the government, of this he was convinced, that even had the house justice on their side, Mr Perceval was incapable of being that leader. He had originally deluded the House of Commons by the grossest bigotry; he had now betrayed them into steps which they must ultimately be compelled to retread, and it was probable that, unless they were found sufficiently pliable, he would be obliged to advise their termination by a sudden dissolution; and let their existence terminate when it might, it would terminate in disgrace." Mr Perceval did not condescend to notice these personalities, and the debate, as in the former instance, was adjourned, on the motion of Mr Wilberforce, till the following day. Sir T. Turton, Sir J. Newport, Col. Wardle, and Sir S. Romilly, then spoke in favour of the petition. The latter affirmed that the language was humble, and that he had not been able to find any thing insulting or offensive in it; but, as Mr Perceval thought otherwise, he hoped that minister would point out wherein the language was objectionable. He was answered by Mr Williams Wynn, who said, that the petition was a studied insult throughout. "It were superfluous," he continued, "to expose the false-

hood of the assertion, that the house has acted against law, &c., because the privileges of the house are part of the law of the land, and coeval with it. It was with these that our ancestors fought against arbitrary power, and he trusted, that if ever it were necessary they would be exercised again in a similar manner, either against the crown or the populace. The duty of the present generation was, to hand them down to their children as they had received them from their fathers." Mr Wilberforce argued in the same manly strain. "That house," he said, "might be regarded as the focus through which all the good and bad humours of the country transpired, and sorry he was to witness a disposition, which was particularly glaring of late, to bring that house into hatred and contempt. As to the abuse of ministers by the opposition, he had been in the habit of hearing such language from his first acquaintance with public life,—from the administration of Lord North down to the present. Yet that language, although industriously circulated out of doors, and particularly by artful demagogues, was seldom justifiable; and it would become the opposition in these times to consider well its nature and tendency before they employed it. He, for one, was neither blind to public abuses, nor slow to apply a remedy to them wherever they were found; yet he could not allow his attachment to the constitution to be shaken by any description of abuses, because, among its numerous advantages, it presented the means of correcting all. Was it possible that any rational man could deny the blessings of such a constitution as that which kept this country safe and firm, while the pillars of the world were shaken? while the great bulwarks of society in the other nations of Europe tottered to their very foundation? Let those, then, who love their country, who love mankind, cling to the maintainers of this invaluable constitution; let them oppose the spirit manifested in this petition; let them beware of these professions of civility, which were only used to cover the daggers that would stab that house to the heart." Such appeals to the house produced their due effect, and only six-and-thirty members were found to vote for receiving this insolent paper, while 128 decided upon rejecting it. A long memorial, in the form of a petition, praying for reform in parliament, by Major Cartwright, who subscribed himself a freeholder of England, was shortly afterwards presented by Mr Whitbread, and shared the same fate, because it spoke of the decision of the house upon Mr Madocks's motion in the last session as a thing beyond endurance, and called the commital of Sir Francis Burdett an act of flagrant illegality. These phrases, strong as they were, were not intended to offend the house, or to trespass beyond the customary bounds, and they might have passed unnoticed in such a paper. Its prolixity was a better ground for rejecting it; for, as Mr Perceval observed, if such long petitions from an individual were to be encouraged, they might expect to have others presented lengthened out into folios.

The suit which Sir Francis Burdett had commenced against the speaker, was followed by similar proceedings against the serjeant-at-arms and the constable of the Tower. Mr Perceval, at the speaker's suggestion, moved for the appointment of a select committee to consider of the proceedings consequent upon this novel measure, and to examine into precedents. This was opposed by Mr

Whitbread. "The Chan-
May 7. cellor of the Exchequer," he said, "had gone on step by step, with equal ignorance of what ought to be done, and equal improvidence as to the consequences of what was done. He first persuaded the house to commit itself in this contest, without foreseeing the consequences of his own rashness, and now that he had had leisure during the Easter recess to consider the best means of extricating them from the difficulties which his councils had created, he shewed himself to be as ignorant and improvident as ever. He had been guided by no fixed principle; he did not know what to propose to the house; he had no advice to offer, and, not knowing what to do, he moved that a committee should be appointed to tell him." "A speech of this tenor," Mr Ryder replied, "being only a renewal of that general abuse, in which Mr Whitbread was in the habit of indulging, did not require an answer. The mode recommended was conformable to the practice of the house, which would use its own discretion after the committee had made their report." The committee therefore was appointed. Some of the members who were proposed for it declined the nomination; Mr Tierney, saying, that if the Chancellor of the Exchequer wanted to grace his committee from their side of the house, he was mistaken,—an unlucky phrase, for it led Mr Perceval to reply, that he certainly did not wish to disgrace it from any side.

Mr Davies Giddy brought up the report of the committee.
May 11. "There were," he said, "three modes of proceeding. The first was to inhibit the courts of law from proceeding in these actions; but for this course there was no precedent. The second was, to commit all the persons concerned in bringing or promoting such actions; for the exercise of such a power there were many precedents, but it did not appear expedient to follow them. The only mode remaining, therefore, was to plead to the actions, and let the parties sued shew to the court, that the acts complained of were done in consequence of the privileges of that house; he moved accordingly, first, that the speaker and the serjeant might be permitted to appear and plead to the said actions; and, secondly, that the attorney-general should be directed to defend them." These measures, which were ultimately adopted by the house, gave rise to several debates, being opposed by some members from party feelings, which had grown into personal animosity, and by others upon the high constitutional ground, that such a proceeding tended to endanger the privileges of parliament. Mr Williams Wynn resisted the formation of the committee upon this ground, and moved, ineffectually, that the business should be referred to the committee of privileges. At the commencement of these discussions he laid before the public a very able argument upon the jurisdiction of the House of Commons to commit in cases of breach of privilege. The law of parliament, he maintained, was a branch of the unwritten or common law, standing on the same grounds, and to be ascertained by the same rules, as every other part of it. The evidence of that law was to be learned, as Coke expresses it, out of the rolls of parliament and other records, and by precedents and continued experience. To argue, therefore, from the power or practices of inferior courts was deceitful. The principles on which they rest are not

the same; the necessity in which they originate, and the purposes for which they are exercised, are materially different. Both houses of parliament possess a complete and exclusive judicature upon all subjects concerning their respective privileges; the violation of which has ever been considered as a distinct offence, cognizable only in the respective houses of parliament, and punishable by their sentence; and this was demonstrated by so many precedents, that the difficulty was in selecting authorities, not in discovering them. These positions Mr W. Wynn established by facts drawn from the history of parliament, and by the doctrines which the ablest constitutional lawyers have laid down. "The question," he then continued, "is simply, whether the House of Commons does at this hour possess the power of imprisoning those who either insult its members for their parliamentary conduct, or degrade and vilify the character and proceedings of the house itself; and whether that power, if it be known to the laws, shall be enforced by such methods as are necessary for its legal exercise? Until the whole foundations of our law be subverted, there is but one issue on which such a question can be tried. If such a power be now first claimed and exercised, its origin must be shewn in some legislative act, expressly introducing the innovation; if, on the contrary, its exercise has been uninterrupted for centuries, and the instances of exertion are coeval with the records of parliament itself, it is for those who contend against it to shew by what act it has been abrogated. As well might a man be admitted to dispute the power of parliament to make laws, as the privilege by which alone it is enabled to execute that function with dignity and independence. There have been many instances, and many more will probably occur, when the publication of a libel on an individual member may subject him to popular insult, or when that apprehension will deter him from the discharge of his duty. The attainder of Lord Stafford, the most unjust and disgraceful act that ever received the sanction of the legislature, was carried simply by the terror which resulted from posting up the names of its principal opponents as enemies of their country. By these means even the bold spirit of Lord Capel was intimidated into what, in the last moments of his life, he repented, as a coward consent to what his conscience disapproved. In all such instances, speedy and summary punishment is requisite, or, before an example can be made, the mischief which it is wished to prevent will have attained its utmost degree. It is indeed only under the existence of such a privilege that the practice of publishing the debates could subsist. Were this controul removed, the language of all public men would be continually misrepresented, not, as now too frequently happens, by error or inadvertency, but by wilful perversion, according to the violence of party, or malevolence of personal hostility. This must lead of necessity to a great public evil,—to the closing the gallery of the house, and debarring the people from all means of learning, through the press, the conduct of their representatives, and of correcting any misconceived opinions of public affairs, by the superior information and judgement of those by whom they are discussed in parliament."

Consistently with this view of the

subject, Mr W. Wynn moved some resolutions, that whoever presumed to commence or prosecute any action against any person for acts done in obedience to the orders of the house, any such persons, and all attornies, solicitors, counsellors, and serjeants at law, soliciting, prosecuting, or pleading in any such cases, were guilty of a high breach of the privileges of the house; that the actions commenced by Sir Francis Burdett, were for acts done in obedience to the orders of the house; and that the proper officer of the Court of King's Bench should be ordered to attend the house on the morrow with all records and proceedings on the said actions. "Were ministers," he asked, "prepared for the consequences to which the measures they had adopted might lead? and did they intend that the commons should carry the question by writ of error before the other house of parliament, and that they should humbly sue for their privileges at the bar of the House of Lords? for before the lords the question would ultimately be brought, either by the house, or by those who resisted its privileges. Perhaps it might be said, that the lords would be as careful of the privileges of the commons as of their own. On the contrary it appeared, that it was from the other house of parliament that the privileges of the commons had experienced the most severe and frequent attacks; and if it should once be established that the commitments of the House of Commons could, by appeal, be brought under the judicature of the lords, the equality which has hitherto subsisted between those branches of the legislature, would be destroyed for ever, and the commons would retain no privileges but what the lords should, by their judgements on different occasions, think proper to admit them to. He did not propose that the house should immediately proceed to commit the solicitor, after the original offence had been overlooked; but if, after the resolutions for which he moved, these actions should be proceeded in, then it would undoubtedly be necessary to commit every person concerned in carrying them on.

June 8.

"This," Mr Wynn continued, "is the latest moment for the assertion of our privileges. What then is now to be done? Recur to that principle which governed the practice of your ancestors,—the principle that the proceedings of the House of Commons, in matters of privilege, shall not be questioned by any other tribunal. For the preservation of this vital principle new measures must be taken, if new measures are necessary; and who, in such a case, would hesitate to make a precedent, if it were true that none could be found? But there are precedents in our journals; in three cases * the house has ordered the records of the inferior courts to be laid on the table, and has directed the obnoxious proceedings to be then taken off the file and destroyed. Many persons, however, there are, who think that these measures are indeed the proper course, but not the most prudent; that they are too strong for the present moment, and that we should now conciliate. But the opportunity for attending to such considerations is gone by. Many instances there undoubtedly were, where common prudence and good sense would induce

* Those of Lord Newburgh, 1669; the Middlesex Justices, 1726; and the Commitment of the Messenger by the Lord Mayor, in 1771.

the members of the house to pass over offences altogether. Of such a nature, perhaps, in the opinion of many, was the paper of Mr Gale Jones, when it was originally complained of; but when it had been once regularly noticed, and by a formal complaint forced on the attention of the house, no member could doubt any longer as to the course to be pursued, or could hesitate to concur in the vote which the house finally passed upon that occasion, however he might have been disinclined to the original agitation of the question.

"As soon as that complaint was made, and unavoidably adopted, the country could not be deceived by any pretences to conciliation; nor would they have attributed such a conduct to any other motives, but those of unworthy cowardice. Was it likely, that those persons could be conciliated, who had directed their attacks against the House of Commons, simply because they thought that, at the present moment, this was more vulnerable than either of the other branches of the legislature? They would laugh to see the house affect moderation, by abandoning what for ages had been its only guard and defence. It was much the same sort of pledge of conciliation and peace, which a great country was formerly called upon to give to its enemies, by surrendering the whole of its fleet. The moment of conflict was not that for concession, even if concession were, on other grounds, adviseable, instead of being ruinous and destructive. These were times, when it was necessary to rise above the dread of temporary unpopularity."

Mr Wynn then adverted to the recent loss which that house and the country had sustained in the death of Mr Windham. "We should recollect," he said, "the great man whose loss we all have so lately deplored; who pursued his course firm and undeviating, frequently in direct opposition to the prevailing clamour; who, when the spirit of the nation was sunk to the lowest ebb of degradation, when the populace had actually drawn in triumph a French general through the streets of London, stood forward, almost alone, and raised their spirits by his own. To the stand then made by that illustrious person, and the small phalanx which rallied round him, it was to be attributed, that the ancient fortitude of the country was restored; that during seven years of war which had since occurred, we had heard of no petitions for peace, no unmanly complaints of the heavy and unparalleled burthens which it had been necessary to impose. Were my lamented friend now here, it would have been unnecessary for any other person to have brought forward this question. To imitate the strain of eloquence with which he would have enforced it, the felicity of illustration with which he would have adorned it, was impossible; but to emulate his determination and intrepidity, is in the power of every one. For myself," Mr Wynn concluded, "whatever may be the determination of the house, I am desirous to be able to state to my constituents that I have endeavoured to my utmost to preserve, uninjured and unimpaired, those privileges which they have intrusted to my hands, and which I feel to be the privileges, not of this house only, but of all the commons of England."

Mr Perceval replied to this able and manly speech, "that Mr Wynn argued upon the assumption that the tribunals would act contrary to the law of the land,—an assumption which

the house ought not to make. Neither ought the house, after having agreed to plead, to commit the inconsistency of resolving to punish the persons concerned in prosecuting the actions. The present resolutions ought not, therefore, to be passed, because they tended to overturn all that had been done. Earl Temple and Mr Adam supported Mr Wynn's motion, which was, however, negatived by 74 members against 14. And here those proceedings of the session terminated to which Sir Francis Burdett had given rise. His conduct, from the commencement of the session, had been in the highest degree reprehensible; it had been a series of direct, premeditated, and systematic insults to the House of Commons. If a regard for the liberty of the subject, and the law of the land, had been the real motives of his conduct, he would have rested the question upon the case of Gale Jones,—a case which all parties thought hard; for though, when it had been brought before the house, the house could not proceed otherwise than it did, most persons agreed in wishing that his conduct had never been made the subject of complaint. But it neither suited with the vanity nor the views of Sir Francis, that Jones should be the object of popular attention; he put himself forward, and thrust Jones out of sight, and throughout the whole of the subsequent proceedings, acted not like a man who loved and respected the laws and institutions of his country, but like a demagogue performing an insurrection, as soldiers fight mock-battles in a review, for the purpose of trying his strength against the government.

CHAP. IV.

Budget. Army, Ordnance, and Naval Estimates. Affair of Captain Lake. Lord Melville's Motion respecting Troop-Ships.

THE supplies voted for the year were 52,185,000l., of which the Irish proportion was 6,106,000l., leaving for England 46,079,000l. The ways and means which were provided left a surplus of 141,202l. These included a loan of 8,000,000l., at 4l. 4s. and 3¾d. per cent., terms even more favourable than those of the preceding year. The annual charge to be provided for was 970,833l. It was proposed to meet this from the surplus of the consolidated fund, which, owing to the additions and regulations made in the stamp duties in 1808, was unexpectedly great.

May 16. "There was no reason," Mr Perceval said, "to apprehend any thing like decay in our finances; the more we looked at them, the more reason we had to be satisfied with their growing prosperity. In that very year, when men of great authority anticipated a failure, there had actually been a very considerable increase. The official value of the imports was 36,255,209l., nearly five millions more than in the most prosperous year of peace. The exports of our manufactures amounted to 35,107,000l., between eight and nine millions more than they were in 1802. The exports of foreign goods was nearly four millions less than at that time, but the average proved that the country was greatly progressive in prosperity; and this was seen in our external means and strength, as well as in our internal resources, as had happily been shewn to the conviction of the enemy. It was but a few years since that enemy declared that all he wanted was ships, colonies, and commerce;—he had lost all his commerce, all his colonies, and his few remaining ships were pent up in their ports. This, too, was the enemy whose measures were represented as founded in wisdom, and executed with ability; while the government of this country had been uniformly charged with weakness, ignorance, folly and imbecillity. But the orders in council, the vilified measure of this vilified ministry, had reduced the receipts of the customs in France from two millions and a half to half a million, a diminution of four-fifths of the whole amount."

Mr Huskisson was little satisfied with this statement. "Was it possible," he asked, "to go on adding from a million to 1,200,000l. every year to the public burthens, and could we hope to continue the war in this

way? Without a reduction in our annual expenditure, it would be impossible to carry it on long, and a reduction of some millions he thought might be effected without injury to the country. Mr Tierney, taking the same view of the subject, advised an inquiry into the cause of the present state of our resources, to ascertain whether that cause was merely temporary, or likely to be permanent. "The Chancellor of the Exchequer," he said, "seemed to have had a great deal of good luck to help him out in his financial difficulties: in the first year, the loan had been provided by his predecessors; in the second, between 3 and 400,000l. of annuities fell in; and now a surplus produce of taxes offered, which he was grossly misapplying, when setting them apart to pay the interest of his loan: thus breaking a wisely-established principle, merely by making a fetch at popularity by a shew of declining new taxes. Was he aware, while he thus declined to look to future difficulties, that he would, in the event of peace, be obliged the next day to find nine or ten millions a-year of new taxes?" Mr Perceval replied, that the right honourable gentleman seemed quite sore upon the point of his good luck, as he was pleased to call it,—and indeed the effects of that good luck furnished another obstacle to the wishes of that gentleman and his friends; for it appeared, that, notwithstanding all the drivelling and blundering ascribed to him and his colleagues, the country was thriving under their government, and in a state of prosperity, which their opponents, with all their talents, could not deny." Replying then to Mr Huskisson's call for economy, he said, "there was a diminution this year in the ordnance of 1,500,000l., in the army of 800,000l.; these were considerable diminutions, though certainly the savings in the public expenditure were not such that any material effect could be expected from them."

When the bill for appropriating the surplus of the consolidated fund was before the house, Mr Tierney returned to the subject, saying, "that such a measure was at war with the principle of raising as large a sum as possible within the present year. As a man, he would refer the subject to Mr Perceval himself, and should be as much mistaken as ever he was in his life, if he, as a member of parliament, did not say, that the Chancellor of Exchequer ought rather to lay on taxes to the amount of 750,000l. That minister had done nothing; he had completely lived on the last administration; and now, for the purpose of delusion, he was evading a tax, which must ultimately come upon the people with aggravated pressure." *May* 24. Upon this Mr Rose replied, "that having drawn up the act himself, under which the consolidated fund was established, he could certainly speak to its spirit and its letter, and denied that Mr Perceval was evading either. In framing that act, the only object which he and Mr Pitt had in view, was to provide that that fund should be sufficient to answer the charges upon it: but those charges being provided for, there was no intention whatever to prevent parliament from applying the surplus in any manner that might be deemed expedient. Mr Pitt would have acted precisely as his successor was now doing, and this he knew from the last conversation which he had with him upon the subject. It had likewise been said, that the measure before the house was in contradiction to a resolution of Lord

Sidmouth's. "But," said Mr Perceval, that resolution was, that there should be laid before the house the net amount of the taxes of the three preceding years, and then an average of the surplus of the consolidated fund for the three ensuing; and if an increase was found, that it should be applicable to the burthen of the new loan. Was it maintained, then, that Lord Sidmouth did not wish this surplus to be touched, when in his resolutions he approved of doing so?" Then taking a rapid view of the fluctuation of the 3 per cents. from the commencement of the anti-jacobin war, before which time they were 96, and during which they sunk to 45¾, when, after the income-tax, they began to rise, he shewed that the present ministry had found them at 60 and a fraction, and had raised them to 72—yet was he supposed to act on a contrary principle to Mr Pitt! "He never," he affirmed, "justified any measure with more confidence than this; and sure he was, that if that illustrious and lamented man were now to stand in the place which he so unworthily filled, he would have availed himself of this very resource." The house divided upon the bill—Ayes 117, Noes 53.

The army estimates were 952,092 l. less than those of the preceding year. This diminution was effected by various retrenchments; twenty men were dismounted in every troop of cavalry, because it was not necessary that those men should have horses who were employed at home in recruiting, which was generally the case with two troops out of the eight composing a regiment. The household troops and dragoon guards were reduced in number. Some little saving was effected by discontinuing quarter-masters in the several troops, and appointing troop-serjeants in their place. The barrack artificers, originally embodied to complete the works at Gibraltar, were now broken up, that purpose having been effected. A more considerable retrenchment had been made upon the royal waggon train, five troops out of twelve being disbanded. These, with a few other arrangements in the same spirit, made a saving upon the whole expence of 800,000 l., though upon some items there had been a considerable increase. There was about 20,000 l. for additional field-officers; an addition of 113,021 *l.* under the head of miscellaneous services, arising principally from a very large sum being required to make up the losses of officers incurred on service in Spain and other quarters, particularly South America;—a customary act of justice rather than liberality, which has not yet been extended to the navy, where it is even more required. An allowance was also introduced to the regiments at home, as an equivalent for the advantages enjoyed in the navy, by having their wine duty free. Some little increase arose from some improved regulations respecting chaplains. Mr Wilberforce's hint * upon this subject had been attended to. For the future, no person was to be appointed chaplain in the army, unless he could produce proper testimonials of his character and acquirements, and should be approved of by the two archbishops and the bishop of London; after he had been eight years in the service, he should be entitled to half-pay, at the rate of 5 s. per day, and an addition of 6 d. per day should be made for every year of service above

* See our last year's History, p. 307.

eight, till they had arrived at 10s.,—a regulation which would render the situation more comfortable.

These statements did not pass without some comments from the other side of the house. General Gascoigne observed, "that he had calculated the proposed allowance for wine, which would be about five-and-twenty shillings to each officer per year. Was such a sum worth receiving? The army officers," he said, "laboured under oppressions which ought to be removed; their pay was less than it was in 1695,—not comparatively speaking, but actually shilling for shilling. He did not wish to see memorials from men in arms, but government ought to examine into the complaints of the army. The militia officers were paid in three or in six months, the regular officers were well off if they got their pay within 18. Another cause of complaint was the charge of 4 per cent. duty *ad valorem*, on all articles of clothing, stores, &c., shipped by them on foreign service. The bat and forage allowance was the same as in the 16th century, a grievance which Sir John Moore and Lord Wellington had represented, yet no relief had been afforded. Another grievance was the income-tax, exacted from British officers, even though serving in the Portugueze army."—These were plain matters of fact, unconnected with party feelings, or political views. Lord Levison Gower examined the statement in a different light. "He had trusted," he said, "that the public burthens would in this department have been alleviated to a far greater degree. Why was not the waggon corps wholly abolished?—for so useless was that establishment, that in foreign service our commanders had been obliged to hire waggons. Why were the Manx fencibles continued, inefficient and superfluous as they were? Why were the City and the Tower Hamlets militia kept up at a heavy expence, when the whole extent of their service was limited to the villages of Hackney and Edmonton? Why was not the home staff curtailed? There appeared upon that establishment the names of the Duke of Cambridge and Lord Heathfield, who received from 4 to 5000 l. a-year for doing nothing. General Tarleton was upon the staff of a district, where his command was only four-and-twenty hundred men, and in Scotland there was for 11,000 men, no less than eleven staff generals. Lord G. L. Gower noticed also, as a practice which ought to be corrected, the custom of purchasing horses of two years old for the cavalry, which cost 30 or 40 l. a-year in training, and about 100 l. when fit for service."

To this Mr Perceval made answer, "that if horses were to be purchased at an age fit for service, a sum must be given proportionably greater than what they originally cost, and perhaps they could not be obtained when wanted. The waggon train was considered by Lord Wellington as materially serviceable in Portugal, and the Manx fencibles had been continued at the express desire of the commander-in-chief, who stated, that if they were disbanded, regular troops must be found to do their duty. With regard to the arrears of military pay, arrangements were making to obviate that difficulty, and some provision would also be made to remedy the complaint, that British officers, when out of the country, were subject to the income-tax. As to the staff," he said, "in two or three instances the increase of staff to rank had increased the pay, and if General Tarleton had

been improperly left on the staff, he could assure Lord L. Gower he had no disposition to let him remain there, on account of any assistance to be derived from him in that house. There was no expectation of reaping benefit from his services in that quarter."

In the course of this debate, it appeared that Mr Canning's removal from office had given birth to a separate party in the house, distinct from the broad-bottomed opposition, and from the reformists, but agreeing with both upon the necessity of retrenchment in our expenditure, while upon questions of general policy, foreign and domestic, they accorded with the existing government. This had been shewn by Lord L. Gower's conduct: it was made more apparent by Mr Huskisson, who distinctly declared, "that he considered a diminution in our military expenditure essential, if not indispensible, to the existence of the country. In 1782, the annual taxes were eight millions; in 1792, fifteen; in 1801, thirty; in 1809, three-score; but there were limits to taxation as well as to every thing else; if the present expenditure were continued, our difficulties must multiply, and the greatest danger to which the country could be exposed, was a failure in its finances. The best way of counter-acting this evil, was to look it in the face, for the purpose of averting it. In 1801, when instant invasion was threatened, and Buonaparte had no other enemy to contend with, the whole expence of the staff was 85,000l.: this year, when the necessity was certainly not so great, it amounted to 286,000 l. Great part of our force might now, he thought, be dispensed with, and our security remain undiminished. It had been declared by high military authorities, that in case of an invasion, it would probably take place in a part of the country where cavalry could not act; the admission that it might be impracticable to procure horses for all the cavalry, was in fact a proof that the establishment was too large, for those who were not mounted must be inefficient; he wished, therefore, that they should be reduced to the number in which they could be kept in an efficient state. He saw no necessity for any staff in the Middlesex district, conceiving that the large staff at head-quarters must be amply sufficient for the government of that district." Then adverting to an expression of General Tarleton, who had complained that his appointment to the district which he at present commanded, was like sending him to Siberia, Mr Huskisson said, "he thought his majesty's government ought to relieve that gallant general from such a provocation. Concerning the waggon train, he was fully convinced that they were an annoyance abroad, and useless at home. Some persons," he continued, "may think that the suggestions which I have thrown out are the result of some political feeling; and others may think that if I entertained these opinions formerly, I ought to have expressed them before. The fact is, that I have always entertained them; but when in office, I considered it my duty to state them only to my superiors, convinced as I am, that the revision and retrenchment which appear to me so desirable, can be beneficially effected by the executive government alone."

Mr Windham said, "the most prominent of the objectionable estimates, was that of the Manx fencibles; the Isle of Man, however barren in other productions, was very fertile in jobs,—

indeed it seemed to be one whole job. Was not that island sufficiently protected by our navy, and by its own inaccessible coasts, even if the French could discover any thing in it worth the risk or trouble of an invasion? The waggon train was not less objectionable; one of the first atchievements which he had proposed to himself, when he held the situation which Lord Palmerston now filled, was an attack upon that train; and if he did not succeed in destroying it, he flattered himself that he should have overcome it in another onset, if time had been given him. A more material reduction might be made in the navy; where was the necessity of keeping up so large a force, when our supremacy was greater than at any former period? The expence of the local militia was said not to exceed 400,000l.; for his own part, he had no hesitation in asserting, that when the committee took into their consideration all the expences concomitant upon that establishment, not merely the expences upon parishes, but the continually increasing bounties which were taken out of the pockets of the people, the total expence would amount nearer to two millions than one. It has indeed been said, that it is necessary to get men into the militia, that they may volunteer from thence into the line; but in fact this measure can have no other effect upon the military establishment of the country, than the bad one of an enormous and unnecessary expence. If the committee were in earnest in its professions of economy, let it begin by wholly doing away the local militia; it was impossible to get the army formed upon any rational footing till this was done. I have ever," said Mr Windham, "unalterably maintained the necessity of economizing our resources, in order that the means of the country might suffice to the end in view, and I would be the first to adopt any system of effectual economy, caring little by whom it should be brought forward; not that I can ever admit that the expence of an individual family afford any parallel for the expenditure of a country. The master of a family may at any time confine his expences within his means; but it almost invariably happens in the case of a state, that it would be utterly impossible to curtail its expenditure in a period of emergency, without endangering its very existence. Still, in every practicable point, it is our duty to economize, that we might be prepared to maintain a long and protracted warfare; for as no man, even in the event of peace, would be bound for the good behaviour of Buonaparte, it is fair to infer that a long war we certainly should have."

Toward the close of the debate Col. Wardle rose. "He could not," he said, "refrain from expressing his just and utter astonishment at finding, after the very extraordinary coldness with which the suggestions he had the honour of making to the house last session on the subject of retrenchment had been received, that the very points on which he had then touched, had now been taken up by the gentlemen opposite to him. For this he thanked them most kindly, as he was sure the country would also do. The committee had now shewn that sort of mind and decided spirit of economy, which would justify the country in the expectation that something in the way of retrenchment would be done:—nothing could give him greater pleasure than thus to see his majesty's ministers beginning to do that which was absolutely essential to the

salvation—to the very existence of the country; and as his sole object was the good of his country, he should not be fastidious on the score of the instruments by which that object, of which he should never relinquish the pursuit, was obtained."

He then returned to a subject which he had formerly brought before the house,—the price of great coats; saying "that ministers had listened to his advice, and thrown the contract open, by which a reduction of between 50 and 60 per cent. had been effected; but new abuses had crept in, for half a crown was now charged for rendering the coats water-proof, when it was notorious that that process could be effected for sixpence. Another abuse was, that the different regiments were all calculated at their full establishment; but on what ground did that house vote away the public money for men who were not in existence? for it was well known that none of the regiments were complete. Not one third of the money demanded could possibly be wanted. The second battalions of many regiments were composed of boys, whose pay was 9d.; and yet these estimates, on which they were called upon to vote away the public money, made no distinction, but classed them all as men, at a shilling. He inveighed also against the increase of our foreign troops, as a principle and a practice which he should ever oppose."

It was replied to this by Sir James Pulteney, that, for two or three years past, the rule had been adopted of averaging, instead of estimating the precise amount at its real value; by these means every contingency was answered, and the surplus was appropriated for other objects specified in the estimate.—With respect to this, Lord Palmerston said, Mr Wardle's statement was correct, and that the surplus of the estimate was disposed of as levy money, for the purchase of horses. In this and in an ensuing debate upon the subject, those members who were most earnest in their call for retrenchment, especially dwelt upon the fitness of reducing the cavalry; upon this point Gen. Tarleton spoke well. "Had there been a cavalry force in Ireland," he said, "when the French landed there, Gen. Humbert could never have advanced fifteen days march into the country; that country was peculiarly fitted for cavalry to act in, and in fact, though it had been asserted that this was not a country for such a force, cavalry could act wherever gentlemen could hunt. Buonaparte's uniform practice was to employ large bodies of horse, and it was to the pressure of the French horse that the great loss sustained in the precipitate retreat to Coruna was to be ascribed. He implored the ministry not to be persuaded by any arguments to reduce a force so essential to the security and defence of the country."

March 1.

Mr Whitbread, after noticing the enormous expence of the staff, turned from the general question to personal and party arguments. "Mr Huskisson's speech," he said, "was directly the reverse of what he had urged last year, in answer to the propositions of Col. Wardle; and he had now, in perfect sobriety, confirmed great part of what Col. Wardle had perhaps indiscreetly declared in a convivial moment. His honourable friend had asserted, that it was possible to save ten millions, or to the amount of the income-tax, out of the annual expenditure. The time he selected for making this declaration was the worst he could chuse; it was after a tavern dinner,

and probably at a time when the best financier in the company was not in a condition to divide the dinner-bill. And yet upon an inconsiderate declaration of this kind, and the applause which it excited, his honourable friend chose to found a statement which tended to render every suggestion of public economy ridiculous. Save ten millions? Another glass might have made it seventy. It was natural enough that one who was at that time in the high tide of his well-deserved popularity, should have thrown out in the gaiety of the moment so extravagant an expectation; but it was most extraordinary, that he should come down to the house, and endeavour to establish such a statement. And how did he propose to effect this vast saving? Why, by wholly abolishing some of the most necessary branches of the public expenditure, by reforming others, by driblets cabbaged from this office, and that department; such proposals tended to bring all plans of economical reform into disrepute. But when Mr Huskisson came forward, no one could suspect him of making inconsiderate propositions. His secession from the administration was by far the greatest loss it had sustained; a successor indeed had been found, but the difference between them was already felt; the place was filled, but it was not supplied. They had now, however, Mr Huskisson's assurance, that a great saving might be effected: his speech was a counterpart to that of Colonel Wardle's last session, and the most complete answer that could be given to the reply which he then made, and which reply was published as a pamphlet. The secret is now disclosed; it is let out, "continued Mr Whitbread," by a person who has been behind the curtain. If we continue in this career of extravagance, how can we maintain war? how can we procure peace? I deprecate that impious and execrable doctrine, that we are to be engaged in perpetual war with France, or at least during the lifetime of Buonaparte. I trust the day will come, even during the life of that extraordinary man, when we may obtain peace on terms becoming our honour; I wish for peace, and therefore wish to be in a condition to make it respectably; therefore I will not vote for these estimates, and thus put it out of our power to retrench. If we do not retrench, we may possibly be obliged at last to seek for peace upon our knees." Mr Whitbread then moved, that the items relating to the home staff, the medical department, and the local militia, should be taken into consideration that day fortnight. Mr Perceval declared himself willing to defer the subject of the home staff, which he admitted ought to undergo some revision; and this being excepted, the amendment was negatived. When the subject was resumed, Lord Palmerston stated, that the saving upon the staff, arising from the discontinuance of five lieutenant-generals, and one major-general, would be only 13,171*l.* this year, because this reduction would not take place till March 25; next year it would be 17,000*l.* Upon this Mr Calcraft expressed his utter disappointment at finding so trifling a reduction; yet, he said, he did not much condemn the ministers, for he believed they would have done more, if it had been in their power. Col. Wardle remarked, that when the country saw so little done in the way of economy by one party, or proposed by the other, they would get out of conceit with the house; and Mr Peter Moore recommended that the

March 23.

whole public expenditure should be revised, that it might be seen how far they might apply Butler's receipt for reducing a lawyer's bill; from which, if you cut one third from the top, and one third from the bottom, you will be certain of leaving as much as he is honestly entitled to charge.

Upon the ordnance estimates there was a diminution of 1,492,209l. Mr Calcraft, however, affirm-

March 14. ed, that when he looked into those parts of the statement where extravagance was most unjustifiable, he found the old spirit still alive, and as vigorous as ever. "The expenditure in the ordnance department, in providing apartments for its officers," he said, "was intolerable. There was another branch upon which it might seem invidious to touch, the pay of the superannuated men, and the pensions of widows and officers; but under this title a large system of peculation was easily concealed,—it contained all the private pensions of the ordnance, and in the last year had increased by 6599 l. The Chatham head of expence was diminished, but still the extravagance there had been enormous; the artillery barracks contained about 1000 men, with a few horses, and some sheds for carriages, yet the expence of the work had been 150,000l. There was an item of 5000l. for a powder magazine in Dorchester; why was one necessary there? was it to treasure up the military stores of the town, or to receive the spare powder of the entire district? 134,000l. was found in one sweeping charge, for building and taking land for building at Woolwich. Another objectionable item, was for building barracks at Wedenbeck; and here he must observe upon the general folly of building such sumptuous apartments for men whose income could not exceed 3 or 400l. a-year, as would be fit for men of as many thousands. There was also a provision for artillery drivers,—a corps of between 5 or 6000 men, with 6000 horses. This great and most expensive body could be of no use in the country, except in case of invasion. The horses were cantoned by 5 and 600 together, in districts on the coast; yet in those very districts the country was charged with 87,000l. for contract horses, to do the general work, while the drivers horses were totally idle,—fat, sleak, and pampered, till they would be unfit even for the single service to which they were designed. The expence of this corps amounted to the enormous sum of 400,000l., while its services were only useful at the actual moment of invasion, as if the species of horses employed in the artillery were not precisely of that description of which any number might be got at any time: yet the country was saddled with this intolerable, permanent, and certain expence, to meet an event barely contingent. One abuse led to another. Officers were known to make almost a property of the horses provided for the service; and while they had them in actual employ, drawing their coaches and curricles, refused to pay the tax demanded by the commissioners, on the plea that they were the king's horses. The commissioners, however, resisted such a plea, and would allow no more than a single horse for each officer. On a late inquiry, it was found that an officer had in his service no less than nine or ten soldiers, as the regular attendants in his house, as his grooms, valets, and, for aught he knew, as his cooks and butlers, and four horses. This person's plea he understood to be the

exercise of an assumed, and as yet undisputed privilege." Upon this Mr Ashley Cooper stated, that a court of inquiry was then sitting upon the case alluded to, and that if any officer were found guilty of such practices, he would be punished by a court-martial. Mr Calcraft concluded, by lamenting that the spirit of economy which had given such hope of rational retrenchment was merely nominal, a reduction only from one degree of waste to another,—from the indefensible extravagance of last year, to the almost equally culpable extravagance of the present.

These representations were supported by Mr Smith. "700,000l.," he said, "was the estimate for various buildings at Woolwich. Now the works there were the common jest of the whole neighbourhood; he had heard them ridiculed within the very walls of the arsenal. The land there which lay on the side of the Thames had been purchased by government at a sum above ten times its value." Col. Wardle pointed out in like manner the expences of this department. "It would be incredible," he declared, "if the account were not taken from the estimates of the years themselves, that the contracts for waggon horses in four years had amounted to 674,000l. At Waltham Abbey, 104,053l. was estimated as the expence in erecting powder mills for four years. Could such an expence be necessary? The French and Germans, it was well known, used barns, or any other temporary building, for the manufacture of powder. For four years, 4,193,000l. had been voted for buildings, repairs, &c., and in the next four years it would be, no doubt, in the same proportion." "Concerning the Waltham Abbey works," Mr W. Smith said, "he passed by them once or twice every week, and was really astonished at hearing what they cost. He was afraid there was in no instance a sufficient check on the expenditure of the public money, and that the public generally paid 10, 20, or even 30 per cent. more than individuals for the same work. When those works were going forward, he was perpetually threatened by his workmen that they would leave him and go to Waltham Abbey, where they could get whatever they chose to ask. He was afraid that in every item of the expenditure there was a consideration of gain to some individual. The Martello towers were another enormous expence; we were now called upon to vote a farther sum of 160,000l. for these towers, and yet we were told that invasion was a mere bugbear! It seemed to him that the heads of the ordnance acted on no settled system, but according to caprice. He remembered, that when the late Duke of Richmond brought in his celebrated plan of fortification for all England, it was so strongly supported by government, and by so many members of that house, that nothing but the casting voice of the speaker saved the country from a most enormous burthen. Had the whole expence of the Martello towers been stated to parliament at once, they would hardly have agreed to the present extension of them."

This led to a curious statement of facts from Mr W. Pole. "The annual expenditure of gunpowder," he said, "was from 50 to 60,000 barrels, and when he was appointed to the ordnance, at the commencement of the present war, he found, with inexpressible concern, that we had not in store more than 14,000 for all the services of the country. The house, perhaps, might not know the quantity

commonly expended in a battle; in Lord Howe's actions of May 29th and the 1st of June, not less than 5000 barrels were expended. Had another action occurred at that time, the distress of the country for gunpowder would have been extreme. Under these circumstances, the Board of Ordnance called on the merchants to state what quantity of powder they could produce in a given time: they were engaged to furnish the most they could possibly supply in five years; but even this provision was insufficient. It became, therefore, the duty of ministers to exert themselves and procure an ample supply from other quarters, and they began by ascertaining what the royal mills were capable of producing. The works of Faversham were found in such a state that little could be expected from them. Those at Waltham Abbey could only make from 10 to 11,000 barrels yearly; at present they produced not less than 22,000. To effect this the extensive works there had been doubled, and this could not be done without considerable expence. The corning-houses were filled with mill machinery, so nice, that if one of them were blown up it would take six months to put up the machinery of another. By an improvement of Gen. Congreve, the powder was now dried by steam in perfect security; the benefits arising from this method were immense, but the apparatus required was very expensive. Another improvement of Gen. Congreve in refining salt petre was also of great importance, and had also occasioned a great outlay at first; we were, by these exertions, enabled to make powder at a less expence than we used to purchase it, and of superior quality." Mr W. Pole then spoke of Woolwich. "When Lord Chatham," he said, "was placed at the head of the ordnance, Woolwich had not even a covering for the stores which were there deposited; and the state it was in when he himself had been formerly charged with the equipment of an expedition was such, that every officer who went down was of opinion the ordnance would be a month behind the other parts of the armament; and there was not a person in any department who did not make that an excuse for neglecting his duty. All the heavy work of an expedition fell upon the ordnance. In the late expedition, the number of ships they had laden with ordnance stores amounted to 70. He had been asked how soon he could load 15 or 16, and his reply was, that if he did not set them off in three days, he would forfeit his right hand;—formerly his answer would have been, two or three in a fortnight after they were sent to him, and possibly the whole in about six weeks. Those persons who were so shocked at the expence, should go to Woolwich and examine the works there. When the war broke out, there were found 7000 ships guns which had not been re-proved; he thought it necessary that this should be done, because the cylinder powder was much stronger than what was used formerly; and fortunate it was that he had advised this, for nearly one fourth of these guns burst, and with such violence as materially to injure the buildings standing near the old proving hut; and some of the fragments passing over the wharf, were near falling on the hulks. This shewed the necessity of fixing on a spot for proving the cannon at a greater distance from the buildings; and thus some expence was unavoidably incurred. A new academy was necessary in consequence of the crowded state of the cadets.

Lord Chatham had seen this necessity and ordered it; and while it was building a contagious fever broke out in the old one, and effectually demonstrated the propriety of this measure. Buildings were required to preserve our field train from the weather,—it now consisted of 600 pieces of cannon, exceeding by six times what England ever possessed before. These statements justified the expences incurred, and Lord Chatham was entitled to the highest praise for having acted so wisely and systematically at the head of the ordnance. If, in the course of these works, any extravagance could be proved, let the offence be punished as it deserved." General Tarleton, Col. Wardle, Mr Parnell, and Mr Whitbread, spoke and voted against the estimates, but the resolutions were passed.

March 16. When the report of the committee of supply was brought up, Mr Bankes resumed the subject, giving ministers credit for the diminution which had been effected, but declaring his opinion that a very considerable reduction might yet be made, not less, perhaps, than a sixth, or fifth of the whole expenditure. He objected, in particular, to the increase of fortifications at Newfoundland and in the West Indies; arguing, that this system of defence was unwise for powers who had the command at sea, and could only be beneficial to a state like France, whose policy it must be to hold its insular possessions by means of strong fortresses, in defiance of our superior fleet. Great savings might also be effected upon the works for our internal defence, which had been ordered on a sudden and groundless alarm, and were far too extensive. Mr W. Pole replied, "that if this gentleman knew indeed in what manner a sixth part in the ordnance estimates might be saved, he certainly ought to point out the way in which it could be done. With regard to the works of internal defence, it should be remembered, that when those works were undertaken there was a great alarm of immediate invasion, and government was anxiously expected to provide the best and speediest means of defence; it was not fair, therefore, to say, that if they had proceeded deliberately they might have done the business much cheaper; for if at that time the ministry had proceeded deliberately, there would have been a great outcry against them for being inattentive to the dangers of the country. In the specific items which had been objected to, mistakes had been made by the objectors, for which it was easy to account. When they got an army estimate in their hands, each of them fancied himself a general; when they got an ordnance estimate, each of them thought himself a great engineer; and when a navy estimate came into their possession, each of them became, in his own mind, a gallant and experienced admiral; and thus, without knowing any of these several professions, without having been bred to any one of them, they set themselves down as competent judges, and preferred their own opinions on those subjects, to those of men who have studied, perhaps for years, to attain a thorough knowledge of those branches of naval and military science to which they were bred, and which, one would suppose, might enable them to form tolerably correct estimates in these several branches of the service."

130,000 men, including 31,000 marines, were voted for the navy; 2,899,750l. for their wages, at 1l. 15s. 6d. per man, per month; 3,992,625l.

for their victualling, at 2l. 17s. 3d. per man, per month; 3,205,500l. for wear and tear of the navy; and 591,500l. for naval ordnance. The estimates were less by about a million than those of the preceding year; but the greater part of this diminution had been occasioned by transferring to the army estimates that part of the charge for victualling garrisons upon foreign stations, and troops in transports, which had heretofore been included in the account for victualling the navy. A real saving had been effected by the total reduction of the sea fencibles; the expence of that corps was about 200,000l. a-year, and when the officers were placed on half pay, the saving would be rather more than one. Mr R. Ward, *Jan.* 31. when he moved these estimates, stated, that though only 130,000 men were moved for, there were actually 143,000 employed, an excess beyond the vote of the preceding year, which, as soon as the Admiralty were apprized of it, in December last, should have been immediately communicated to the house, if it had been then sitting. How that excess was to be disposed of, and whether any, or what part of it should be retained, was a question for future discussion; the policy of disbanding so large a body of men, without knowing the general state of the navy, required serious and deliberate consideration.

On a subsequent day, *May* 11. when Mr Croker proposed a vote of 1,165,000l. 15s. 11d. for the ordinaries of the navy, Sir C. Pole asked, whether the number of men might not be reduced to 130,000; in which case he proposed, that the men engaged in harbour duty, and old seamen, who had served from eighteen to twenty years, should be discharged. He suggested also, that a saving might be made by reducing part of the press-gangs. Capt. Parker objected to all these suggestions, as injurious to the service. Lord Cochrane then rose and made one of the most remarkable speeches ever delivered in that house. He began by shewing, as he said, the nature and manifest injustice of the navy pension-list. "Thirteen daughters of admirals, or captains," he said, "several of whose fathers fell in the service of the country, receive from the gratitude of the nation a sum less than Dame Mary Saxton, the widow of a commissioner. This pension list is not formed on any comparative rank or merit, length of services, or any rational principle, but appears to be dependant on parliamentary influence alone; for Lieutenant Ellison, who lost his arm, is allowed 91l. 5s., and Captain Johnson, who lost his arm, has only 45l. 12s. 6d.; Lieutenant Arden, who lost his arm, has 91l. 5s.; Lieutenant Campbell, who lost his leg, has 40l.; and poor Lieutenant Chambers, who lost both his legs, has only 8l.; while Sir A. S. Hammond retires on 1500l. per ann. The brave Sir Samuel Hood, who lost his arm, 500l.; while the late secretary to the Admiralty retires, in full health, with a pension of 1500l. To speak less in detail, 32 flag officers, 22 captains, 50 lieutenants, 180 masters, 36 surgeons, 23 pursers, 91 boatswains, 97 gunners, 202 carpenters, 41 cooks, cost the country 4028l. less than the net proceeds of the sinecures of Lord Arden, 20,358l.; Camden, 20,586l.; Buckingham, 20,693l. All the superannuated admirals, captains, and lieutenants, have but 1012l. more than Earl Camden's sinecure. All that is paid to all the wounded officers of

the British navy, and to the wives and children of those dead or killed in action, does not amount, by 214l., to as much as Lord Arden's sinecure alone, 20,358l. What is paid to the mutilated officers themselves, 11,408l. 16s., is but half as much. Is this justice? Is this the treatment which the officers of the navy deserve at the hands of those who call themselves his majesty's government? Does the country know of this injustice? Will this, too, be defended? If I express myself with warmth, I trust in the indulgence of the house; I cannot suppress my feelings. Should 31 commissioners, commissioners' wives, and clerks, have 3899l. more among them than all the wounded officers of the navy of England? I find, upon examination, that the Wellesleys receive from the public 34,129l., a sum equal to 426 pair of lieutenants' legs, calculated at the rate of allowance for Lieutenant Chambers' leg. Calculating by the pension for Captain Johnson's arm, viz., 45l., Lord Arden's sinecure is equal to the value of 1022 captains' arms. The Marquis of Buckingham's sinecure alone, in the net, will maintain the whole ordinary establishment of the victualling departments at Chatham, Dover, Gibraltar, Sheerness, Downs, Heligoland, Cork, Malta, Mediterranean, Cape of Good Hope, Rio de Janeiro, and leave 5466l. in the Treasury. Two of these comfortable sinecures would victual the officers and men serving in all the ships in ordinary in Great Britain; viz. in 117 sail of the line, 105 frigates, 27 sloops, 50 hulks. Three of them would maintain the dock-yard establishments at Portsmouth and Plymouth; and, by the addition of a few more, would amount to as much as the whole ordinary establishments of the royal dock-yards at Chatham, Woolwich, Deptford, and Sheerness; and the sinecures and offices, executed wholly by deputy, would more than maintain the ordinary establishment of all the royal dock-yards in the kingdom. To return to this pension list: I observe, that the pensions given by the Whigs to commissioners, clerks, and others, whom they forced out to make room for their friends, amounted in 13 months to about 1508l. more than the present administration have, by this list, given away in nearly three years that have elapsed since; and Mr Ponsonby, who lately made so pathetic an appeal to the good sense of the people of England against those whom he was pleased to call designing men and demagogues, actually receives, for having been 13 months in office, a sum equal to nine admirals, who have spent their lives in the service of their country; three times as much as all the pensions given to all the daughters and children of the admirals, captains, lieutenants, and other officers, who have died in indigent circumstances, or been killed in the service! and as much as would pay the officers and men employed in the fifteen hulks of the line in ordinary. From the minute expences noticed in this estimate, viz. for oiling clocks, killing rats, and keeping cats, I should have supposed that great care was taken to have it very correct. It was, therefore, with much surprise I found the name of my worthy and respected grandmother, the widow of the late Captain Gilchrist of the navy, continued on the list, as receiving 100l. per annum, though she ceased to exist 8 years ago! While all this profuse waste of the public money is going on, the builders in our naval yards, on whose ability and attention so much depends, have only 720l. per

annum salary, that is, only 20l. more than a retired clerk of the ticket office. The petty perquisite of a silver cup, given to them when they launched, and thereby added a ship to the British navy, was taken from them, as a saving to the nation, by the mischievous and contemptible admiralty of 1802. Such are the pretended savings by which, when any are made, the country is duped. Were there a prospect of success, I could point out some savings worthy attention. By adopting canvas of a better quality, a saving equal to one-fourth of the navy may be made—a saving equal to the additional income-tax imposed by the Whigs. The remaining three-fourths of the ships will be more effectual than the whole, their velocity will be increased upwards of half a mile in seven miles; and thus every one will be enabled to capture those vessels which at present escape from them all; as, besides its bad quality, the enemy know our ships of war from foreign ships by the colour of the canvas, consequently run away the moment they perceive our black sails rising above the horizon; a circumstance to which they generally owe their safety, even more than to its open texture. I have observed the meridian altitude of the sun through the fore topsail, and, by bringing it to the horizon through the foresail, ascertained the latitude as correctly as otherwise I could have done. The paltry increase of cost will be more than compensated by the superior wear of the canvas, independent of its strength, on which, consequently, depends the safety of the ship, and the preservation of the lives of all on board. I shall, no doubt, hear it urged, that a remedy is about to be applied; and so it has been ever since I can remember: but remedies and redress at public boards are sought in vain; and so it is with respect to the hardships noticed by Sir C. Pole, imposed on old and wounded sailors by the harbour duty; which is justly considered by them as oppressive in the highest degree, more grievous than all the other hardships to which they are subject. Should the latter days of a life, spent in the service of the country, be those in which the severest duty is imposed, and that, too, when wounds and infirmities have rendered men unequal to the task? Captain Parker, who contends for its continuance, says it is a laborious duty, and must be executed. This reason is conclusive, in my mind, why it should not be imposed on those, whose infirmities have rendered them unequal to the task. No good conduct, or character from his captain, can, under the present system, free an old seaman from this misery. I well remember the sad case of William Farley, an infirm petty officer; a man of respectable character, in my own ship, who, I think, had been in 13 general actions, and about 20 years in the service; he was sent to be invalided, that, by a change, his impaired health might be restored, and that he might pass his latter days in peace. He was condemned to harbour duty, but obtained leave to return to his ship. After a time, being still unable to do the smallest duty in the ship, he was again surveyed; the same decision passed. Whether this happened a third time, I do not recollect; but of this I am certain, that he died on board off Brest. My gunner's mate was invalided too for this heart-breaking service, and such was his abhorrence of it, that, by the permission of the Lords of the Admiralty, he procured two substitutes, who cost him 90l.; a sum equal to all

that, with the greatest economy, he could save in ten years from his pay. Is this a recompence for services? Although perhaps not immediately arising out of that part of the naval estimate which is before us, I may be permitted to ask, why are not the ships abroad paid, as well as the army? What inconvenience would result? The petty officers and seamen in the East and West Indies, Cape of Good Hope, Mediterrannean, America, in fact, every where abroad, do not receive one shilling of pay until they are permitted to return to England, often after an absence of twelve or fifteen years! The Boston's crew, who formed one half of my ship's company, joined the Pallas with nine years pay due, although the Boston had been all that time within about fourteen days sail of England! I should like to know where all this money is lodged?"

Mr W. Pole replied to this speech, in which good and evil were so curiously intermingled, that its mischievous misrepresentations counteracted the effect which might else have been produced by its truths. "The Board of Admiralty," he said, "in granting pensions to wounded officers, or in providing for the families of officers deceased, had always gone as far as they were justified by precedent, and, in many instances, higher pensions had been lately given than had ever been known before. They acted upon one uniform system, and proceeded according to certain rules laid down, apportioning the reward to the rank and suffering of the person, without regard to any other consideration; and if, in any case, they deviated from the strict letter of their duty, it was from their anxiety to make as large an allowance as the nature of the case would possibly admit."

Mr W. Pole then adverted to some of the cases which Lord Cochrane had specified. "One was that of Captain Dickson, whose pension was represented as by no means adequate to the sufferings he had undergone. But the facts were simply these; that officer, when a lieutenant, distinguished himself by a very gallant exploit, in which he was severely wounded. The Admiralty did every thing that was in their power to do; they immediately promoted him to the rank of commander, and settled upon him his full pay as lieutenant: yet this case was now selected as affording ground of charge against the Admiralty! Another case which Lord Cochrane had instanced, was that of Admiral Moriarty's children, who, it was complained, had only 25l. a-piece. Now Lord Cochrane knew that the widow or children of an admiral were not entitled, strictly speaking, to any pension. It was found, however, upon Admiral Moriarty's death, that his children had been left in rather distressed circumstances, and, upon application, a pension of 100l. a-year had been settled upon them. Larger pensions had certainly been granted, but it was where the admiral had fallen in action, or had been particularly distinguished. Admiral Moriarty did not die while on active service, nor had he ever been at sea as an admiral. Such was the inaccuracy of Lord Cochrane's statements; the inconsistency of his complaints was even more remarkable. Where little was done for naval men, he accused the government of neglect; where much was done, then he made a charge of extravagance or corruption. Particular stress had been laid by him on the fact, that Sir A. Hammond had retired upon 1500l. a-year; but was it not astonishing that Lord Cochrane

could urge this as a matter of complaint, knowing, as he must know, that Sir A. Hammond was a veteran of fifty years standing. During the former part, he had been employed in the most active service; had distinguished himself upon many occasions, and deservedly acquired a high reputation; during the latter part of his professional life, his time had been devoted to the service of his country, in discharging the duties of the civil part of the naval department. Lord Cochrane could not be ignorant of the eminent and important services of Sir A. Hammond as comptroller of the navy, and therefore ought to have been one of the last men to censure government for permitting this distinguished officer to retire, after fifty years active service, with a comfortable and honourable provision. He had also, in the same spirit, expressed his dissatisfaction at the pensions granted to the widows of commissioners of the navy, as too large. The commissioners were chosen from the captains of the navy of long standing, for their knowledge of the civil part of that service; when they accepted the office, they gave up the emoluments and honours of their profession, and unless the temptation of a pension of 300l. a-year for their widows was held out to them, very few, who were qualified for the office, would accept of it. If any farther defence of the Board of Admiralty upon this score were needful, it would be sufficient to remind the house, that they had last year brought forward an establishment of a compassionate list, similar to that of the army, evincing thereby the anxiety they felt for the comfort of the families of the officers of the navy."

Mr W. Pole then noticed the assertion of Lord Cochrane, that all rewards were apportioned according to interest; and that the services of the navy were wholly overlooked, unless they were put forward by the parliamentary friends of the ministers; "yet was he himself the strongest example which could be produced of the injustice of this accusation! he himself was one of the most violent parliamentary opponents of the Admiralty; and there never was an instance of more ample justice being done to the merits of any officer, or of more signal and complete rewards being conferred for any services than had been granted to him. He held up the house as a set of men actuated solely by views of private interest, and incapable of any sentiment of public virtue, applying his animadversions on the mode of rewarding the merits, or alleviating the sufferings of the navy, equally to all administrations. After the very extraordinary comments which he had made upon the pension list, he had thought proper to make an attack upon the Wellesley family, of which I," said Mr Pole, "am a member. He asserts that the Wellesleys receive from the public no less than 34,000l. a year, in sinecure places, and proceeded to make a calculation of the number of arms and legs which that sum would compensate for, according to the system of the pension list. In answer to this, I must observe, that there is no member of the Wellesley family, except the noble lord at the head of it, who possesses any sinecure office. That noble lord certainly did, many years ago, receive the reversion of a sinecure office, (which had since fallen in) when he was about to go to a distant part of the world, in a most arduous and important public situation. He was at that time in a delicate state of health, and had a

large family. Whether, in the distant service on which he then went, he discharged his duty with advantage to the state, I must leave to the decision of the house and of the country. Whether the other branches of the Wellesley family who are now employed in the public service, have discharged their duty with advantage to the country, it does not become me to decide, but I willingly submit every part of their conduct to the judgement of the house and of the country. With respect to myself, I never have held, nor ever will hold a sinecure office; but I never will suffer any aspersion to be thrown from any quarter upon any of my family, without boldly and fairly meeting it."

Then Mr W. Pole adverted to the latter and better part of Lord Cochrane's speech. "Here," he said, "he had made some observations upon subjects connected with the practical part of his profession, and had displayed that degree of information and ingenuity which every body allowed him to possess. During the period that I have had the honour of holding a situation at the Admiralty, I have frequently had the advantage of hearing the noble lord's sentiments upon practical professional points, and the noble lord would do the Admiralty and myself the justice to admit, that his opinions had been listened to with that degree of attention and respect, to which, upon such subjects, they would be always entitled. Greatly is it to be regretted that he does not consult his own natural good understanding, instead of suffering himself to be guided by others, who are perpetually leading him astray. There is, to be sure, a considerable degree of eccentricity in the noble lord's manner, but at the same time he has so much good British stuff about him, and so much knowledge of his profession, that he would always be listened to with great respect; it is therefore the more to be lamented that he does not follow the dictates of his own good understanding, instead of being guided by the erroneous advice, or adopting the wild theories, of others. Let me earnestly advise him," said Mr Pole, "to give up such practices,—let me assure him, that an adherence to the pursuits of his profession, of which he is so great an ornament, will tend more to his own honour, and to the advantage of his country, than a perseverance in the conduct which he has of late adopted,—a conduct which can only lead him into errors, and make him the dupe of those who use the authority of his name to advance their own mischievous purposes."

With the same indignation against every thing which bore an appearance of injustice, the same good intentions, and the same injudicious manner of attempting to carry them into effect, Lord Cochrane moved for papers, "which," he said, "would expose a system of abuses prevalent in the Admiralty Court, unparalleled in this country, and exceeding any that had existed in Spain under the infamous administration of Godoy. The whole navy of England was obliged to employ a single individual to carry on its business before the Admiralty Court,—a person, perhaps, in whose competency they might have no confidence; but admitting his ability and integrity to be unquestionable, still the thing was preposterous. Would any man like to be obliged to employ an attorney, who, at the same time, did business for the other side? Was such a regulation consistent with

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equity, or with common sense? The personal liberty of the navy officers was answerable for some seizures, the produce of which notwithstanding went to the crown, and the most abominable compromises sometimes took place. Whether the profits of those compromises found their way into the pockets of any particular individual, he was not absolutely sure, but he thought he had evidence to shew this to be the fact; and what indeed could be the design of confining the captors to one proctor, except that the secrecy so suited to these transactions might thereby be better preserved? The navy was paralysed by this corrupt system. The most trifling vessels were condemned at an expence equal to that of the largest, so that the condemnation of a fishing boat might be swelled up to the expence of condemning an Indiaman; and consequently, in many cases, the labour or capture ended in nothing but putting money into the proctor's pocket. As an instance, Moses Griffin, a Jew, an agent at one of the out-ports, received two thirds out of the produce of a vessel, the remaining third being the whole share distributed for admiral, captain, inferior officers, petty officers, seamen and marines. What was the effect of such a system, but to paralyse the navy? for could it possibly be necessary to have 120 ships of the line in commission for the purpose of blockading three-and-twenty ships of the enemy, if proper exertions were made. But to ensure alacrity in harassing the commerce and shipping of the enemy, the abuses of the Admiralty Court must be done away. Nothing else could be effectual. He himself had captured 13 vessels laden with corn for Barcelona, and protected by two small ships of war, which were sunk; if he had taken these and carried them into Malta, and got them condemned, he must have put his hand in his pocket and paid for it." Lord Cochrane then past to another topic. "The commerce of the enemy," he said, "was carried on to an immense amount by our licences, which were an article of common sale in Hamburgh and other places: and, by means of these licences, the enemy's ships were seen coasting along by hundreds, in perfect security, and even filling the river Thames, contrary to the navigation act; thus raising sailors for Buonaparte, to whose commerce and navy our ministers were the best friends." He then moved for a copy of the agent's accounts from the Registrar's Office for a certain period, and for several other papers, the bulk of which, had they been granted, Mr Stephen said, would have exceeded that of all the proceedings upon the Scheldt expedition.

Sir W. Scott replied, by asking "how the Court of Admiralty could possibly be answerable for the accounts of the agents, on which Lord Cochrane had founded all his invectives? That noble lord was a prompt accuser, but also an unfortunate one; and he pledged himself, by all the credit which he might have obtained during the many years that he had sat in that house, that this accusation would prove as unfortunate as any of his preceding ones." Mr Rose said, "he had investigated this subject, with a care and attention, for which Lord Cochrane, he supposed, would not give him credit: he had bestowed upon it many days and many nights, and he was convinced, that if the noble lord were to succeed in throwing abroad, into other hands, the business which was now confined to the king's proctor, he would ex-

tremely injure the interests of the navy, depreciate the character of the country, unnecessarily annoy the neutral trader, and very much embarrass the British merchant." The abuses in the agent's accounts Mr Rose admitted. "This evil," he said, "had been strongly represented to him, soon after he became treasurer of the navy; he had consequently inquired into the subject, and had had no less than 153 of these cases before him, nine of which were now before the judge of the High Court of Admiralty, in consequence of the enormous charges which the account contained. In one case, the charges of an agent at Portsmouth, who had 62,000l. to distribute, amounted to 9462l., of which 1200l. was stated to be for postage. Feeling that the navy suffered deeply for want of somebody to look to their interests, he had, after the last session of parliament, proposed that a person should be appointed for that purpose. He did not wish that a place should be created; but a gentleman who had made this business his study having written to him, and having been very respectably recommended, particularly by two members on the opposite side of the house, he had accepted that gentleman's services, who was now going through the cases in the most satisfactory manner." With regard to the seamen, Mr Rose said, that he had completely succeeded in getting justice secured to them; and he concluded by regretting, that Lord Cochrane, "instead of making a desultory complaint of abuses, had not put his finger on a single case, when he would have found him as ready as himself to bring it under the consideration of the house. If he would now alter his motion, and move for papers relating to any one ship, he would readily agree to it; and thus to bring forward one case, would be quite as fair and far less inconvenient than the whole."

Mr Stephen spoke to the manner in which Lord Cochrane had attacked the officers of the Court of Admiralty, and then called for papers which he had never examined, just to give a chance that there might, by extreme possibility, be something in them to justify the accusation. "He would not," he said, "affront the high characters so wantonly calumniated,—characters respected, not only by this country, but by the civilized world, for their talents and integrity, by becoming their apologist in answer to such an attack as this. But there was another class of men whom Lord Cochrane had not less wantonly calumniated; for was it possible that he, a navy officer himself, could appreciate the navy justly, when he declared, that if the fees of the Court of Admiralty were diminished, the hundred sail of the line now employed might be reduced to forty; or when he intimated that they required any other stimulus to exertion than their sense of public duty." Sir C. Pole agreed with Lord Cochrane, that it was ridiculous, as well as unjust, to allow only one proctor to be employed, and for one man to be advocating the cause of the contending parties at the same time. "Facts," he said, "had been stated, which ought to be inquired into; it had been positively asserted, that 30 per cent. was charged for the condemnation of a prize; and that an officer commanding a frigate, who had taken a prize, and who had objected to pay this exorbitant demand, was told by the proctor, that if he did not pay it, the ship would be condemned as a droit of admiralty to

the king." This fact of the 30 per cent. was explained by Sir J. Nichols. "A number of vessels, under Prussian colours," he said, "had been detained; and no means were possessed of proving that they belonged to the enemy, when a person abroad offered to prove that they did. He did so; the vessels were condemned: he claimed an allowance of 30 per cent. for his service, and the demand was complied with, because it was thought advisable to keep on good terms with him, as otherwise no further information could be expected from that quarter. How could they do better for the captors? for whom the 70 per cent. which they received could not have been obtained, had they not availed themselves of this person's services."

Lord Cochrane replied, "he expected that the gentlemen opposite would defend such abuses, but that they would have defended them better than they had done. If proper encouragement were given, a much greater number of prizes would be sent in; at present the commerce of France was almost uninterrupted, and the cause originated in the Admiralty Court. Our navy cost us annually 20 millions,—six might be saved, and the commerce of France destroyed." He, however, took Mr Rose's advice, and moved for documents relating to two vessels, which
March 9. were accordingly granted.

When these papers were laid before the house, he moved for some additional ones, which were required to elucidate them. In making this motion, he repeated some of his former charges, and thereby gave occasion to a farther explanation of the 30 per cent. Sir J. Nicholls stated, that the person who had been thus rewarded had been employed in neutralizing many of the enemy's ships, and offered, if his terms were accepted, not only to secure evidence of their being enemy's property, but also to discover several which had been neutralized by others. He accordingly went to the continent, and drew the French ministers of marine into a correspondence which brought the truth to light.—Upon this Lord Cochrane remarked, that spies ought to be paid by the government, not by the navy. Sir J. Nicholls passed a high and deserved eulogium on the judge of the Admiralty Court, "who, by a course of decisions," he said, "had established a system of maritime jurisprudence, that shewed the world we were not the tyrants of the seas, but that our proceedings were founded in justice and moderation. Notwithstanding the interference of his duties with the interests of the people of other nations, there was no man whose character stood higher, either in Europe, or on the other side of the Atlantic."

Colonel Wardle also moved for papers, "on which," he said, "it was his intention to found some propositions for bettering the si-
tuation of a large body of *Feb.* 15.
meritorious public servants, who suffered materially from the system of abuse carried on in some of the navy departments. When Lord Barham was comptroller of the navy, places in the Navy Office were sold: whether Lord Barham would vindicate the practice, he did not know; but it was highly necessary that inquiry should take place. In the Navy Pay-office and Admiralty, the appointments were on an equitable footing, the salary being proportioned to length of service; but in the Navy Office, it was usual to promote junior clerks over the heads of men who were many years their seniors in the

service. In one instance, a junior clerk, who had been but eleven years in the office, was promoted to a place of 300l. a year, over the heads of senior clerks, who had been from 27 to 30 years in the service. In the Sick and Hurt Office, a gentleman had been obliged against his will to retire on an allowance of 170 per annum, and a boy of 14 was then appointed to his situation, over the heads of senior clerks, and at a raised salary. The secretary of that office was pensioned off at his full salary of 500l., and an assistant appointed in his stead at 1000l. Another abuse, not less worthy the attention of the house, was the creation of several new offices, with very unmerited salaries annexed. These practices took place among the commissioners of the navy, and the new offices were given to the members of the committee of these commissioners. One gentleman, for acting as chairman of that committee, was allowed 200l., in addition to his former salary of 1000l., and each of the members had an additional 150l.; but no additional duties were required of them, and all the business they had to do was performed within the usual hours of their sitting, and in the committee-room."

In reply to these miscellaneous charges, Mr R. Ward said, "it was proper the house should hear a fair representation of the cases which had been brought before them. In 1786, a committee was appointed to inquire into the extent and propriety of fees. Lord Barham, then Sir C. Middleton, who was at the head of the navy board, and the other commissioners of that board, were examined, and openly stated, that their salaries were made up in part of gratuities and fees received in consequence of the sale of offices. The report of the committee declared, 'that the practice of receiving gratuities on the appointment of clerks was bad, though it had been sanctioned by long usage.' Ten years afterwards, the practice was abolished, and in consequence the salary of the comptroller was raised from its former nominal 500l. to 1500l., and an addition of 200l. given to the other commissioners. With regard to the promotion of a junior clerk over his seniors, as it was not asserted to have been procured by corruption or any undue motive, the house would not think this an inquiry to be entertained, to the great detriment of public business, and the mischievous embarrassment of the public offices. The Sick and Hurt Office, to which Mr Wardle had alluded, existed no longer: it was incorporated with the Transport Office, and this change had given rise to arrangements highly advantageous to the public service. If Mr Wardle charged the pension which had been granted to Sir W. Gibbons, on the suppression of the board to which he had belonged, as an instance of corruption, he must go on to charge the beneficial arrangements which followed the suppression of that office as corrupt also. The pension was granted upon the same principle which governed every such case." Mr Wilberforce requested, for Lord Barham's sake, that the most full inquiry might take place. "Of his own knowledge," he said, "he could state, that all the arrangements for reform which had been adopted subsequently to the report of 1786, had been introduced at the express desire of Lord Barham, who at the time consented to remain in office only on the condition that these reforms should be carried into effect."

There was so little shadow of cause

for the charge against Lord Barham, that, notwithstanding the request of his son-in-law Mr Noel, and of Mr Wilberforce, it was thought unbecoming to grant the paper which had been moved for on such grounds. Other papers, relating to a charge of the sale of offices since the bill which prohibited this practice, were granted. Mr Wardle then moved for a general return of all the clerks in the different departments in the Navy Office, Navy Pay-office, Sick and Hurt, and Transport Board, with the dates of their entries, ages, periods of their service, salaries at which they entered, and the augmentations since made to them, &c.; to which Mr R. Ward replied, that he might as well move for a committee of the house to take into consideration the salaries allowed to every clerk in the different offices under government; and Mr Davies Giddy observed, that though, all considerations being equal, he should certainly wish to give the preference to seniority, yet nothing could be so ruinous as to act on this as a general principle, particularly in public offices. It would go the length of saying, that a person who was the senior must be preferred even over one of the greatest capacity. Mr Wardle's motion was of course negatived;—whatever papers he called for upon specific cases were voted.

A circumstance connected with the naval service occurred during this session, which strongly excited the public feeling. Mr Bragge Bathurst, the member for Bristol, received a letter from a freeman of that city, by name Charles Morgan Thomas, complaining, that having been purser of the Demerary, he was now detained as a supernumerary before the mast; being thus as it were kept prisoner, that he might not return to England and expose certain mal-practices, as he had threatened. Among other things in this letter, it was stated, that Captain Warwick Lake, when commander of the Recruit, set a man belonging to that vessel on shore at Sombrero, an uninhabited island, where he died through hunger, or otherwise, for more was never heard of him. This, said Thomas, was known to Sir A. Cochrane, who suffered this *titled murderer* to escape, and he has now the command of the Ulysses. This letter Mr Bathurst transmitted to the Admiralty, and they immediately instituted an inquiry. In the first place, they informed Captain Lake of the charge which was brought against him, and called upon him to explain his conduct. He admitted that he had set a man on shore upon the island of Sombrero, but alleged that the man was a most infamous character, and that having called at Sombrero for the purpose of taking him again on board, he was not there, having, as it afterwards appeared by an American newspaper, been taken off by an American vessel. Sir A. Cochrane being also called upon by the Admiralty, replied, that he was "well aware of the irregularity of the proceeding at the time it occurred, and when it was reported to him sent Captain Lake back to the island to take the man off, but he was already gone; and having heard soon after that the man was in America, upon the authority of an American newspaper, which assured him of his safety, he consented, after seriously admonishing Captain Lake, to let the business rest. If their lordships still deemed it proper to order a court-martial upon the subject, there were, no doubt, many persons in the Recruit who would prove the fact of the man's having been sent on shore,

though," the admiral concluded, "the island of Sombrero is close to Anguilla, and in the track where vessels are constantly passing and repassing." Commissioners from a court of inquiry went on board the Recruit. By the Complete-book of that sloop it appeared, that Robert Jeffery, ordinary seaman, run, on the 13th Dec. 1807, on the island of Sombrero; but by the log it appeared, that he was landed there by a boat: And the evidence which they collected on board was, that this man, for having broached a cask of spruce beer, was landed there by order of the captain; that he was without provisions, or any other clothes than what he wore: the boat's crew gave him a pair of shoes and a knife, and the lieutenant who was sent in the boat gave him a handkerchief, to make a signal to any vessel which might pass. He was left in tears, and the Recruit did not return to look for him till the 11th of February. It was farther stated, that he was landed in the evening, and that on the following morning some of the officers reported to Captain Lake the situation of the island, which was then so near that a boat might have been conveniently sent to bring the man off, with a view of bringing to his recollection the circumstance of his having landed him, and with a hope of inducing him to send for him again; for the act was considered as an act of great cruelty and oppression. Upon this the Lords of the Admiralty ordered a court-martial upon Captain Lake. The fact was proved; indeed it was not denied. Captain Lake rested his defence upon the character of Jeffery, "whose propensity," he said, "to dishonesty and disobedience was such, as to lead him and many others to believe, that punishment would only harden his heart, and confirm him in his bad practices. By landing him, he thought to make him more sensible of his want of conduct, and to reform him, believing that the island was inhabited. Jeffery, he knew, had got to America. He therefore had neither intended to expose the man to death, nor had the man died in consequence of his exposure. The commander-in-chief upon the station took the affair under his inquiry; he had every means of information, and the result of his mature and unbiassed judgement was, that a court-martial was not necessary; but he did," said Captain Lake, "agreeably to the feelings of his honourable character, inquire into, adjudge, and punish me on the occasion; for I was seriously admonished by him, as he states in his letter; and what but punishment can that be to a feeling, manly, and honourable mind? I did therefore hope that this unfortunate event had been sufficiently visited, and that the present court-martial might have been deemed unnecessary." Captain Lake concluded his defence by saying, that "he looked forward to be speedily relieved, by the sentence of the court, from the dark and horrible insinuations which had gone forth, and deeply wounded his peace of mind, and affected his character as a captain of a British man of war, confidently expecting a favourable result from their feelings of justice and honour."

But the evidence which was before the court was not such as justified this confidence; some circumstances, indeed, seemed to imply that Captain Lake supposed the island to be inhabited; he had ordered the word *thief* to be painted on a piece of canvass and fastened to the man's back; and the master of the Recruit deposed, that Captain Lake, as he was rising

from table after dinner the next day, said, "I wonder how old friend Jeffery comes on now; I suppose he has got housed by this time." It was also given in evidence, that when the boat was going with Jeffery, some of the men murmured, saying he would be starved to death; upon which the master replied, "You be damned;" the meaning of which, being interpreted, was supposed to be, that he would do very well. But from this very circumstance it appeared, that if the captain were ignorant of the real state of the island, the crew were not. The boat's-crew who were sent to land him went up upon the rock to see if there were any houses, and reported that there were none; one of them gave him a knife, and the lieutenant gave him a handkerchief that he might make a signal with it,—gifts which would not have been thought of upon an inhabited shore. However much, therefore, the rocks of the island might have appeared, in the dusk of the evening, like houses, it cannot be supposed that Capt. Lake could remain in ignorance of the real nature of the place. The man's character was not such as to afford even the slightest extenuation of such a punishment. He had been once charged with going into the gunner's cabin, and taking out a bottle with some rum in it, and for this offence he had been flogged. The only other allegation against him was, that he had broached a cask of spruce beer, which had been brewed for the ship's company. It was said, indeed, that he had always been considered as a skulking man; that he was generally down below on the watch, and could never be got up on deck; but, besides that he was a man who had been pressed into the service, and had never voluntarily entered it, the evidence of the master himself, who of all the witnesses gave him the worst character, at the same time that it accused him, made his excuse; for it stated, that he had not been long at sea; that he was a very weak man; that he had been several times *started* by the boatswain's mate with a rope, (a mode of punishment never in use in well-regulated ships,) and that his punishments hurt him very much;—for all which reasons the master thought he had better be out of the ship.

The case was flagrant, and the court sentenced Captain Lake to be dismissed from the service. They supposed Jeffery to be living, upon the authority of the American newspaper; and even if this had not been their opinion, the sentence was the heaviest which they could pronounce. This was on the 6th of February; the substance of the trial was published, as usual, in the newspapers; and, after a few days, Sir Francis Burdett asked in the House of Commons, whether government meant to take any farther steps upon a subject so disgraceful to the service, and so materially interesting to the life and security of every seaman in the navy; for if such wanton acts of tyranny were suffered to obtain with impunity, there would be an end of all order and good government in our fleets. He moved, therefore, for a committee to take into consideration the papers relating to the conduct and trial of the Hon. Captain Lake, and to report thereon to the house. "The fact," he said, "had been announced in the newspapers, without any remark expressive of abhorrence; it seemed to have been regarded as a light and trivial matter, like a common occurrence of the day, such as 'a stage coach was overturned in Piccadilly, but we are happy to

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say that none of the passengers were hurt.' His own opinion was, that Jeffery must have perished upon the island; but whether he had, or had not, the moral guilt of this unexampled act of oppression was the same; and his first intention had been to propose an address to his majesty, that he would be graciously pleased to order Captain Lake to be prosecuted for murder by the attorney-general. But as a grand jury might have hesitated to find a bill where there was some doubt of the man's death, he had preferred the present motion. There was some ground to suppose that the man had not been exposed for taking, or, as it was called, stealing some spruce beer, but because there was a conspiracy to get rid of him; and that the persons who had thus exposed him were impressed with a belief that he must perish there, appeared by the circumstance that they robbed him of his clothes and money, as thinking these things would be of no use to him."

Sir Francis then spoke of the imperfect search which had been made upon the island two months afterward, and he condemned, in strong terms, the conduct of Sir A. Cochrane, "who thought an admonition sufficient punishment for such a proceeding, and who sent back to search for the man the very persons who had been concerned in landing him. One of the persons employed to make this search was the master, who could hardly, upon his own evidence, be considered as less than an accomplice in the act; and this man and his companions, when employed upon such a search, took with them muskets and slugs, that they might make of it a sporting party. What could be more shocking than this, that at a moment when they were sent to ascertain the life or death of one human being, and perhaps to decide upon the life or death of another, they should be so little impressed with the dreadful duty in which they were occupied as to turn it into a party of pleasure, and divide their time between searching for the body, and shooting birds? They had found part of the trowsers of the unfortunate man while they were employed in this amusement! Insinuations had been made, as an excuse, that Captain Lake was insane, or in liquor, at the time when he exposed him; but intoxication could not well be pleaded: he had had time to reflect upon his conduct; the sun had gone down upon his wrath, but it had risen upon his wrath also. Whatever the offence of which the man so punished was guilty, four-and-twenty hours exposure on a desart island, without food, or water, or raiment, the horror that must attend on such a situation, even for such a space of time, was surely an adequate, if not an overstrained visitation. But if Captain Lake was drunk or mad at the time, surely it should have prevented his promotion to a more important command; for he had been made post-captain since the fact was perpetrated. For the safety of the sailor, for the honour of the house and of the country, it was not fitting that the business should end here; and though there might not be ground for a prosecution for murder, there was enough to call upon the house to appoint a committee, for the purpose of considering what farther should be done upon an occasion so extraordinary and aggravated."

Mr. Perceval replied, that "he did not by any means wish to repress the feelings which this statement of the case necessarily excited, and he admitted that it was no sort of excuse

for Captain Lake to allege, that he did not know that the island of Sombrero was uninhabited. There was but little shade of difference between the guilt of sending a man on an island that he knew to be uninhabited, and sending him to one that he had no reason to suppose was inhabited,—a circumstance which it was his duty to have ascertained. If there was any proof that the man was dead, the sentence of the court-martial could not now prevent his being tried for murder; but unless there were proof he could not be convicted, and when there was no probability of convicting, there could be no use in indicting. This would be the way to secure an acquittal, in which case, if Jeffery's body should ever afterwards be found, or his death proved, Captain Lake could never be tried again. There was, in fact, no manner of evidence that the man had lost his life, and there was some evidence of his safety. Captain Lake had already received the severest sentence which the court-martial could pronounce, a sentence which, to a man who had arrived at so high a rank in the navy, was no slight punishment; and if the man were still living, a farther punishment might be inflicted on him, for the sailor would have a civil action for damages, in which case a jury would have to declare what damages ought to be given in a case of such extreme cruelty and atrocity. He did not see, therefore, what good could be done by the appointment of a committee, or what form of trial they could order if appointed, and therefore he wished Sir Francis would withdraw his motion for the present; but he wished also, most particularly, that it should not be supposed the house thought lightly of the case, or that they dissented from the motion for any other reason, than that there was not evidence before them to induce them to order a prosecution for murder."

Mr Whitbread said, "he saw no reason why the house should not address the king, to direct the officer on that station to make the most accurate search upon Sombrero for the man's remains, and also to ascertain whether he were alive or not." This was a proper suggestion, and the remark which Mr Whitbread made upon the admiral's conduct was not less so. "If," he said, "the house thought that the cruelty of Captain Lake was so great in sending a man on shore upon an island, when he did not know whether it was inhabited or not, what must they think of Sir A. Cochrane, who, knowing that the island was uninhabited, still conceived that a simple admonition to Captain Lake was punishment enough for such extreme cruelty? Responsibility extended throughout the whole line of the service, and the admiral who could think that such a crime ought to pass unpunished, was himself deeply accountable; nay, his conduct was still more culpable, when, knowing this transaction, he allowed Captain Lake to be promoted to a ship of higher rank than he had commanded before. The Admiralty would not do their duty unless they were to order some proceedings against Sir A. Cochrane."

Mr Stephen said, "he happened, from peculiar circumstances, to be well acquainted with the situation of Sombrero; he had sailed close to it, and could assure the house that it was uninhabited, and that it was impossible that any individual cast upon it could find the means of subsistence there; it was a bleak sandy island, not perhaps more than twice or thrice a-year trodden upon by human feet:

were he a petty juror upon the trial of such a case, he should no more hesitate to bring in a verdict of murder, than if the man had been let down into an unfrequented coal pit, and left there to perish."—"This doctrine," Mr Sheridan said, "was almost as bad as any thing Captain Lake had done. Mr Stephen had sailed very near the island, and from the mere look of it would give a verdict of guilty upon an indictment for murder! The house ought seriously to consider whether Captain Lake knew the island to be desolate; for himself, he believed that he did not; that many of the officers were under the same error; and that, if they had known the island to be desolate, neither they nor the seamen would have obeyed their orders to leave him there. Every possible inquiry had been made, and was making, by the afflicted and respectable family of Captain Lake, to ascertain whether Jeffery had been taken off by an American vessel, and if he was still living, and he doubted not but these facts would soon be cleared up. He could not be supposed to utter a word conveying the most distant idea that he meant to justify or excuse the leaving a British seaman on any island; but though he had the highest respect for the officers of the British navy, he believed it was not without a precedent, that where there had been a refractory subject on board some of his majesty's ships, there have been captains who have put such a man on an island that was inhabited."

Mr Perceval had taken up this subject with the feeling and severity which it deserved;—there ought to have been but one opinion both of the conduct of Captain Lake and of Sir A. Cochrane; but now that Mr Sheridan had, as it were, led the way, he soon found followers. Admiral Harvey said, that justice and humanity required him to state, that Sombrero was a rock; that the rain must lodge in many of the cavities; and that the eggs of birds were to be had there in abundance; so that no man need to perish there for want of food and water. Captain Beresford added to this statement, that it was hardly possible for a man to remain there four-and-twenty hours; the island was daily resorted to by fishermen, and if he waved his hat every morning he must be seen. Both these officers disclaimed all intention of excusing Captain Lake; but what they said was received as an excuse by the attorney-general, who declared, that it much diminished the offence. Sir Vicary Gibbs also defended the admiral's conduct, in which he was supported by Sir R. Bickerton and Mr R. Ward, who said, that the Admiralty were satisfied with the explanation which he had given of his conduct. Lord Cochrane also spoke in behalf of his kinsman. "Sir A. Cochrane," he said, "in not bringing Captain Lake to a court-martial in the West Indies, had been guided by a too great leniency of temper, which was his known character;—but he had sent him home to be tried, where he was sure justice would be done; he had sent him home on half-pay in consequence of his conduct, though the Lords of the Admiralty had afterwards thought proper to promote him in the West Indies." But this statement was directly contradicted by Mr W. Pole, in the name of the Admiralty. "Captain Lake," he said, "had returned to the country ill, and on his recovery had been sent out again to the West Indies; a commission had also been sent out to the admiral to make him post on the

first vacancy there,—but the Admiralty at that time knew nothing of this transaction." The debate terminated by a vote, that the correspondence between the Admiralty and Sir A. Cochrane upon this subject should be laid before the house.

In the course of the discussion, Mr Whitbread rose to remark the difference between Mr Stephen's account of Sombrero, and that which Admiral Harvey and Captain Beresford had given; the former, he said, described it as a low sandy island, where there was neither food nor water; but since he sat down, two honourable officers, well acquainted with it, said it was a rock where there were many cavities filled with rain water, and plenty of birds eggs. Mr Stephen, in reply, repeated that he had seen the island, and that it appeared to him low and sandy; he had lived eleven years in the neighbourhood of Sombrero, and never heard that it was inhabited. He then animadverted upon the unwarrantable harshness with which Mr Whitbread had commented upon him, as if he would insinuate that his evidence was false, which, he said, he could attribute only to that gentleman's disposition to tear in pieces every one who differed from him. He was proceeding in terms of resentment against an attack which was equally unexpected and undeserved, when the speaker interposed, and Sir A. Hamilton delivered his opinion, that both accounts, though they seemed to differ, were equally true. The island did from a distance appear to be low and sandy; but in the interior it was forty feet above the level of the water, and there were plenty of shell-fish, birds, and eggs.—As soon, however, as these proceedings reached America, intelligence was obtained which put the nature of the island out of all doubt. Jeffery was found at Wenham, in the state of Massachusetts, where he made oath before a magistrate of the particulars of his case, and the deposition was sent home by the British consul. The account tallied with all that had been given in evidence at the court-martial, except that it added some farther particulars. He had remained nine days on the island, without any food except about a dozen limpets, and some bark which he found on the shore. At first he did not believe that he should be left, and stood watching the ship next morning, expecting every moment that a boat would be put off to take him on board. Rain water he could find none when he landed, and suffered dreadfully from thirst, the salt water, of which he drank a great quantity, increasing rather than allaying it. But on the third day it rained, and then, as Admiral Harvey and the other officers supposed, there remained enough in the cavities of the rocks to supply him, but he could only get at it by sucking it through a quill. Birds there were, but he could not catch them, and one putrid egg was the only one he found. He saw five ships pass, but they were all too distant to see him, and the vessel by which he was at last taken off would probably have passed by without discovering his signals, if the captain had not hove to from mere curiosity, to examine the birds which were flying in great numbers about the island. He had been then nine days on the island, and was nearly dead when thus providentially delivered,—not less fortunately for Captain Lake than for himself.

It was also fortunate for Captain Lake that the circumstance was laid hold of by the agitators. They made it a favourite topic before Sir Francis

had brought it before parliament, and as the discussion took place only two days before the order was issued for his committal to the Tower, especial stress was laid upon this circumstance, to persuade the people how important it was that they should have such a defender in the House of Commons; as if he were the only friend to the sailors, and the only man who felt indignation against tyranny and oppression. It did not suit the views of these men that the matter should be at rest, when Jeffery's safety was ascertained. There was one part of the case indeed which ought not to have rested, which was the conduct of Sir A. Cochrane; he, it is true, was persuaded, and, as it afterwards appeared, upon good grounds, that Jeffery had escaped; but he well knew the whole extent of the danger to which he had been exposed, and therefore knew the whole extent of the captain's guilt; yet he had made no communication upon the subject to the Admiralty, and if the circumstance had not by mere accident come to their knowledge, no proceedings upon it would ever have taken place, for it must be considered as an accident that the poor scapegrace Thomas should have written to the member of Bristol; that he should have incidentally mentioned this business; and that the member, instead of disregarding such a letter from such a man, as so many persons would have done, should have sent it to the Admiralty. And when Sir A. Cochrane was called upon by the Admiralty, his letter discovered a manifest wish to excuse Captain Lake; and his representation of the situation of Sombrero was evidently designed to extenuate the inexcusable wickedness of setting the man on shore upon a barren and desolate rock. A too great leniency of temper was no excuse for conduct like this; and as the ministry and the Admiralty seemed to attach no culpability to what was so highly culpable, this was a point which ought to have been pressed upon them. But this was not convenient for the demagogues, because Lord Cochrane had spoken in his kinsman's favour, and that influence with them was all-sufficient. To keep the subject alive, therefore, they had recourse to the curious artifice of refusing to believe the affidavits from America. Jeffery's escape, they said, was certainly not the more to be credited for such proofs. Why were there not more certificates? why not one from the master of the ship who was said to have saved him? why was not he himself brought to England if he were indeed alive?—The affidavit might really have been made, and yet a deception practised upon the public; for why should not a fellow be got to personate Jeffery in America, and swear any thing which was required of him? The mother of Jeffery was persuaded to put her name to a letter in the newspapers, saying she did not believe the affidavit, because it was signed with a mark, and her son could write. This was certainly a strong ground of suspicion, if the style of her letter, which had evidently been written for her, had not excited as strong a suspicion on the other side. The matter, however, was soon decided by Jeffery's arrival. Measures had been taken by Captain Lake to compromise the affair with him as soon as he landed, and the governor of Sombrero, as he was called, made a farther profit of his past sufferings, by exhibiting himself in London at the same rate of admittance as was demanded for the Fat Man and the Durham Ox. Meantime

Captain Lake was essentially served by his worst enemies; for the public, perceiving with what malignity and mischievous intent these writers endeavoured to prove, in the very face of the fact, that Jeffery actually had lost his life, were naturally led to the opposite extreme, and seemed on their part to forget by how mere a chance he had preserved it; and the perpetrator of this detestable act in this manner escaped with less general infamy and odium than he deserved.

With whatever motives the partizans of Sir Francis pursued this business, he himself deserved the thanks of the government, as well as of the country. The other discussions concerning abuses, real as well as pretended, in the navy and naval departments, had evidently been brought forward with all the prejudice and misrepresentations which distinguish the radical reformers; their arguments were addressed to the vulgar, and they succeeded in engaging the attention of the vulgar; while the measures of real utility to the service which were proposed or effected by its true friends were unheeded, and scarcely heard of. A motion was made by Lord Melville, that an adequate number of king's ships should without delay be prepared and held in readiness for the accommodation of such troops as it might be found expedient to embark in furtherance of the public service. This motion he introduced by a speech of sound reasoning and great ability. "The great loss of lives," he said, "which our colonial conquests had cost at the commencement of the last war, had led him to observe that the mortality did not arise solely, nor perhaps principally, from their services in the field; and to believe that an improvement in the mode of conveying the troops, by affording them a more airy and comfortable accommodation during the passage to the West Indies, would tend greatly to their preservation. The then commander-in-chief of the troops upon that station was persuaded that every prospect of success from their operations depended more upon the care, attention, and comfort afforded to them on their passage, than upon any other circumstance whatever. These objects could best be attained by the use of armed troop-ships; and whether you considered the comfortable accommodation which the officers and men enjoy upon the voyage, in comparison with that which they experience in common transports,—the safety of the troops in case of separation,—the comparatively few ships required for the conveyance of an army,—the expedition with which it may be transported,—the facility of landing and re-embarking troops, as well as other essentials,—the superior advantages of this mode of sending troops over that of conveying them in hired transports are altogether incalculable. One advantage deserved especial notice, that of having the ships under naval discipline, a circumstance of the highest importance." And here Lord Melville produced the testimony of some navy officers. One declared that it was totally impracticable to land an army in the face of a respectable enemy in transport-boats. The greatest loss in landing in Egypt was occasioned by the confusion of the transport-boats, and had not the centre and right been carried in men of wars' boats, that landing would not have been accomplished in the gallant manner it was. Another officer stated, that in the re-embarkation at Coruna, the transports made one trip with their boats when the men of war made ten.

"The officers," said Lord Melville, "who superintended that midnight embarkation endured far more anxiety than they had experienced in the hour of battle, owing to the want of order and discipline among the transports, which was such as to produce the utmost confusion and embarrassment, and to excite, in the minds of those present, the greatest alarm for the fate of the army. Indeed, the serious consequences so much apprehended were only prevented by the exertions of the navy officers and seamen, and of the superintending commissioners of the Transport Board. These distressing circumstances would not have occurred, if, instead of common transports, there had been regular troop-ships, under naval discipline, whose officers would have been attentive and obedient to the signals made to point out to them the positions which the respective ships were to take and maintain.

"I cannot," said Lord Melville, "entertain a doubt, that if, at the beginning of last year, there had existed in this country an establishment of armed troop-ships, adequate to the conveyance of even eight or ten thousand men, a very considerable portion, if not the whole, of the enemy's ships at Flushing might have been captured or destroyed; and, if it had been thought expedient, the basin might, without much difficulty, have been destroyed also. I have said, if it had been thought expedient, because I am strongly impressed with an opinion, that, if there had been such an establishment of floating barracks as I am now recommending, neither the evacuation of Walcheren, nor the destruction of the basin at Flushing would have been necessary. Few men will, I think, conceive it probable, that because the enemy's ships were not in a condition to quit the basin of Flushing in the months of February and March of last year, we were therefore equally sure of finding them still there in the months of July and August, when our great armament sailed for the Scheldt; consequently the prospect of capturing or destroying them was reduced to the single chance of a successful attack upon Antwerp. If, however, there had been, in the beginning of last year, such an establishment as that for which I now contend, eight or ten thousand men might have been easily embarked, without ostentation or parade, and might have proceeded to the point of attack in perfect secrecy, when, in conjunction with our blockading fleet, a successful result would, I confidently believe, have crowned their operations.

"The plan, then, which I submit to the house is simply this; I propose to fit out, from the ordinary of the navy, a number of armed troop-ships, adequate to the accommodation of 24,000 men. The troops to be divided into detachments, each properly commanded; and to be accompanied and escorted by a few two-decked ships, and a certain number of frigates and light-armed vessels. These flying armaments to be distributed along the enemy's coasts, and to act either separately or conjointly, according to circumstances; and, if their operations were judiciously conducted, they might, (besides annihilating the coasting, and such other trade as may still be carried on by our enemies,) by keeping up a constant alarm on their coasts, oblige them to draw a very great part of their armies down to their coasts, for the purpose of protecting them against our attacks and predatory incursions; and such a system of warfare would thus act in

the most beneficial manner, both as a means of co-operating with our allies, and of effectually annoying our enemies. It is scarcely necessary to observe, that if, at any time, an object should present itself, upon which we could, with effect and benefit, employ together the whole 24,000 men, a single letter from the War Office and the Admiralty could speedily assemble them at any rendezvous most expedient for the execution of the projected service.

"Such ships of war as may be appropriated to the reception and conveyance of troops, should be fitted, armed, manned, and equipped, on the following reduced scale :—The crew not to exceed, at the utmost, one-third of the proper complement of men ;—no ship to carry more than 20, nor less than 12 guns, (according to her class,) and these to be principally carronades ;—the ships also to have reduced masts and yards, the original lower masts only being kept in ; the wear and tear of a ship so fitted and employed would not exceed one-fourth of an active cruizer, and the expences and charges would, in the aggregate, be less than one half of the expences and charges incurred for ships when fitted, armed, and equipped, for the purposes of war.—And here it is very material to state, that these opinions have the full and entire concurrence of several naval officers, whose experience and judgement entitle them to perfect confidence in this respect ; and that one of these officers commanded, nearly the whole of the late war, either an armed transport or a troop-ship, and was present at all the most important conjunct operations."

Lord Melville then entered into a detail of estimates, shewing that it would be more economical to employ troop-ships than hired transports, even in mere direct expence. "Besides," said he, "a very great additional security would be derived against the capture and loss of great numbers of our seamen and soldiers in hired transports. I should be most unwilling to estimate the lives of either on data of pecuniary compensation : but if any cold calculator should think it adviseable to follow out such an investigation, he might find, upon inquiry, that the expence of the recruiting service amounts to an enormous sum. Upwards of 130 transports have been captured or lost since the commencement of the present war. About 1700 persons have been taken in them ; about 1900 have perished. The cold calculator may take this into his account,—but I reject all such calculations,—I hold the life of a British sailor or soldier to be inestimable ; and if I had the means of bringing forward the evidence of our enemies upon that subject, I should willingly rest upon their testimony.

"It has been objected," he continued, "that the equipment and keeping up the requisite number of armed troop-ships would be such a drain upon the navy, and would require so many seamen, as to cause serious inconvenience to the naval service. Now, the establishment which I have proposed would require 48,000 tons of shipping : the tonnage of the British navy is about 800,000 ; and let me ask, whether any man, competent to form a judgement on the subject, can doubt that, if ships to the extent of 48,000 tons were to be appropriated for the conveyance of troops, the remainder would not be more than amply sufficient for every naval service for which our fleet can possibly be required ? In 1800

and 1801, the number of troop-ships and armed transports that were employed amounted to 50 sail, and their tonnage to about 50,000 tons, which we had no hesitation in thus employing at that time, notwithstanding the fleets of France, Spain, and Holland, amounted to about 100 sail of the line. At present, the Russian, Swedish, Danish, Dutch or French force, amounts collectively to only 71 sail of the line, while there are 105 sail of the British line now in commission. In truth, I am strongly impressed with a conviction that the naval establishment of the country is now upon a scale considerably exceeding what, in wisdom, in sound policy, and on every principle of sound economy, it ought to be. In my judgement, 81 sail of the line are sufficient for European service, being thus distributed; 20 to the Baltic, 18 to watch the motions of the Dutch fleet, the French fleet in the Scheldt and at Cherbourg, 12 for the ports in the Bay of Biscay, 21 for the Mediterranean and Black Sea, 10 for the service of Lisbon and Cadiz; 10 ships of the line would suffice for foreign service: the whole force requisite being 91, which I consider amply sufficient for every probable demand.

"I trust your lordships will believe, that I should be one of the last men to recommend that our naval establishment should be put upon a footing of doubt or nice balance with the force of the enemy. Our superiority ought at all times to be decisive and commanding; but I contend, that, considering the scarcity of naval timber, and the high price of naval stores of every description, this is not a moment when the country ought to give way to a wasteful, ostentatious, and prodigal expenditure; and such I consider an unnecessary number of ships in commission, if they be either detained in our own ports, or sent where they are not likely to meet with an enemy. I do maintain that, circumstanced as the country now is, we ought to husband our navy, particularly our ships of the line, in order that we may keep as many as possible sound and entire to meet future exigencies, when the increased strength of our enemies may render the equipment and employment of a larger force essential to the preservation and safety of the empire.

"These are sentiments which I have long entertained, and they are not declared at the present moment for the purpose of supporting a favourite proposition; still less with any intention of either idly or factiously censuring the administration of the country. It will always give me pain, when I cannot concur in the measures of those to whom his majesty may think proper to intrust the administration of public affairs; and it is peculiarly painful to me to criticise the administration of a department over which I once presided. I am aware of the imputations to which such a line of conduct is liable, and nothing would induce me to undertake such a task, but the conviction I entertain, that, in some very important particulars, his majesty is not well advised on the naval and military interests of the country.

"The termination of the war in which we are now engaged, no human being can foresee; and I have no hesitation in declaring, that so long as France shall retain the sovereignty of the continent of Europe, it is, in my judgement, impossible to make a desirable peace with her; impressed as I am with a belief, that any peace which she might propose would but too probably lead to the subjugation of this country, by presenting

to the ruler of France an opportunity of creating a naval force, which, in conjunction with the fleets of the other maritime powers of Europe, (all of whom, with the exception of Spain and Portugal, are now completely under his controul) might dispute with us the sovereignty of the ocean. This is the event to which we must look forward, as then, though perhaps not till then, we should have to contend, not merely for our independence, but for our very existence. While we, however, retain the dominion of the sea, and preserve the fabric of our constitution, which is the true and genuine source of our manufactures, of our commerce, of our agriculture, and of our revenue, we have nothing to apprehend from the boasted threats, or from the power of France. These may be considered as mere bugbears; let the war be conducted on a rational and practicable system, and we shall find our resources perfectly adequate to the contest, so long as circumstances and the safety of the country may render a continuation of it necessary.

"I am aware that any very great diminution of our naval establishment would have the effect of throwing a considerable number of our meritorious officers out of employment; but I cannot suppose that any serious opposition can be fairly grounded on this circumstance, when it is recollected that the same effect would be produced in a much greater degree by the return of peace. I do not overlook, nor am I disposed to underrate, this inconvenience; but I have long foreseen, and am strongly of opinion, that a remedy might be found to compensate the service for the hardship to individuals, arising out of the unprecedented extent of our naval establishment, and the impossibility at all times of giving employment to a large proportion of its best officers. But every such act of benevolence ought to flow spontaneously from the sovereign, and a particular suggestion coming from any other quarter would be an impertinent intrusion."

Lord Mulgrave replied, that it was far more expensive to employ ships of war in conveying troops than hired transports, and that he thought it impossible to get over the difficulties which arose from the clashing of the two services, when troops were embarked on board king's ships. He deprecated any idea of reducing the navy in these times, and arguing that the motion ought to be resisted as an unnecessary interference with the executive government, he moved the previous question.—With regard to the necessity of keeping up our naval force at its present extent, Lord Mulgrave argued rightly; his reply, in all its other parts, was not such as Lord Melville's experience and the importance of the subject deserved. One misconception Lord Melville pointed out,—he had not recommended that ships of war should be employed on their present establishment for conveying troops, but that the troop-ships should form a separate establishment, under special regulations. The ministry were not disposed to listen to his advice. The Earl of Liverpool, without expressing any opinion upon the subject, said, it was one of great difficulty, and which required very serious consideration; so that it could not now be decided upon. The previous question was therefore agreed on without a division.

If Lord Melville was prevented by his removal from office from forming such an establishment as he now pro-

posed, the country suffered a far more serious loss in his removal than in the death of both the great party leaders, who have been so loudly lamented. The advantages of such a measure are even more considerable than they were here stated; for when, in 1801, we had such ships fitted for troops, twice the number of sailors really wanted were allotted to them. An Indiaman of equal tonnage is reckoned well manned with 120 men, whereas these had 250; at once narrowing the accommodation for troops and weakening the navy. The least class of two deckers (now almost banished from the line) will commodiously carry 800 men each, field-pieces, and horses for the officers. We ought to have at least 20 battalions always afloat, and distributed in the several ports, from Leith southward round to Milford Haven, and at Cork. The ships should be stored with provisions, and with field necessaries, according to a list, as easily made out by an officer who had seen service, as the contents of a medicine chest by an army surgeon. And will any person say, that 20 battalions, or 16,000 men, thus stationed upon the alert, some of them able to sail with every wind that could blow, would not present to the enemy an object of alarm, which could not be guarded against by three times their number? Would they, with such a danger before their eyes, invade our colonies? or would they not rather find it necessary to place double garrisons in all the ports of the continent? Let them possess ports if they must pay for them so dearly, and then calculate their gains in the war against British commerce! Another not less important benefit would arise from such an establishment. The real security of the enemy at present is in the intelligence which they gain during the equipment of an expedition, and which it is not possible to prevent them from gaining;—upon this hinge turns half their power, that is half their disposable force. No deficiency in our military arrangements is at once so obvious, and so easily reformed as this. Double the number of these troop-ships, and no unfortified port in Europe could be occupied by the enemy with impunity.

One measure of essential utility to the service was brought forward by Mr Rose. He obtained leave to bring in a bill for the increase of seamen, by establishing naval seminaries on the coasts, where boys might be properly educated for four or five years. They were to be supplied from those who were parish paupers, of whom the number amounts to 90,000; they would not cost government more than five pounds each, and this supply would keep up a succession of seamen, to the amount of 7000 every year. This measure will diminish that great evil, the impress service, which might be rendered altogether unnecessary by a few measures more in the same spirit. Liberty to retire on full pay at the end of one-and-twenty years service after the age of twenty, would probably of itself effect this most desirable reform. *June 7.*

We have the princely establishment of Greenwich, which is deservedly the boast of England,—but Greenwich is not sufficient; and it may safely be asserted, that no man was ever induced to enter the navy by looking on to that asylum as his reward. To the old seaman, indeed, it becomes a point of hope; but, under the present system, his hope is of that nature which maketh the heart sick. The old seaman, after many

year's service as quarter-master, (one of the most comfortable stations an old sailor can fill) gets removed from the conn, when eye-sight and hearing begin to fail, and is put in the gunner's crew, to drag on as long as he can make a cartridge, or a wad, or point a quarter-deck or cabin breeching; till the doctor at last, weary of attempting to cure old rheumatic complaints, and desirous of lessening the number on the sick list, applies to have him invalided; that is, dismissed from the service, with the privilege of tottering clear of a press-gang for the remainder of his life. Suppose him to be certain of Greenwich, (which he is not,—for it is a matter of favour, and not of right,) age, or incurable infirmities, are the qualifications which must entitle him to it. Such a prospect may indeed afford him consolation when those evils are coming on, but it can hardly be regarded as hope: hope should be of the nature of joy; and if we would encourage men to enter the service, the reward of their service should be certain, and the time when they may claim it definite, and not too distant. Their discharge they should be entitled to at the end of the first term of seven years; with the second term, an increase of pay should commence; a second increase at the end of the fourteen years, and at the expiration of one-and-twenty, full pay for life; and an honorary distinction if they chose to serve longer, from year to year.

Oh that statesmen would but feel and understand how much more easy it is to lead men to their duty by hope, than to deter them from evil by fear! The system which is here recommended offers the surest mode of gradually abolishing those punishments which are disgraceful to our nature; a forfeiture of time, in proportion to the offence, would be far more effectual than the brutal and brutalizing lash. Honorary rewards also should be held out for good conduct; they would operate as strongly upon the men as they do now upon the officers. An individual, Alexander Davison, distributed medals to all who had been in the battle of Aboukir; and we have known instances wherein it has been one of the last requests of a dying seaman, that that medal should be carefully transmitted to his friends. It is the worst of all policies to degrade men, and to make them feel that they are degraded; teach them to know their moral and religious duties, which, by means of that system for which Great Britain is indebted to Dr Bell, will now be done; teach them to respect themselves, cherish in them the sense of honour and of justice, and martial law may give place to a practice more congenial to the nature of an Englishman, and the laws of England. Trial by jury may take its place; and thus that tyranny, by which most mutinies are provoked, would be prevented. Put men upon their honour and their conscience, and if a comrade be guilty, there is no fear that they will pronounce him innocent for the sake of screening him from punishment.

Let not the reader start at the assertion, that most mutinies are provoked by tyranny. If there be one evil propensity more common than another, it is that which leads to the abuse of power; and for this we may appeal, not only to the evidence of all history, but to every man's school-boy experience. Many a man has been made commander in the navy before he has ceased to be a boy; the authority of which he feels him-

self possessed makes him imperious, while the weight makes him anxious and fretful: he harasses the men for want of that method and self confidence which nothing but experience can give, and thinks by severity to force respect. Men of good heart and good understanding outgrow this, and perceive their error; but it is a perilous stage through which they pass, and sometimes, before the captain has acquired experience, the crew have become desperate. We could instance an officer, in whom, when time had ripened him, the elements of firmness and gentleness were mixed in such perfect union, that no man was ever more perfectly or more justly beloved by those under his command; but he had been trusted with command too young, and the remembrance of the severities which he had then exercised, and of their consequences, troubled him on his death-bed. But examples of a different nature might be cited; men might be named who have shewn themselves incapable of shame or remorse, and whose unendurable tyranny has sometimes proved fatal to others, and sometimes to themselves. Persons acquainted with the navy will recollect one case of shipwreck, where the captain is vehemently suspected to have perished, either because some of his crew seized that opportunity of avenging themselves, or because none of them would stretch out a hand to save him. And in a case of capture, (how recent or how remote is of no consequence) the crew of a king's ship are reported to have fired without ball, in order that they might be made prisoners, and thus delivered from the oppression under which they had neither remedy nor hope.

It is true, that tyranny and oppression are provided against by martial law, but these offences are not in their nature so definite as mutiny, neither are they, nor can they be punished with the same severity, even if there were or could be the same disposition to punish them. Had it not been for a mere accident, Captain Lake would have received no other punishment than a private reprimand, for an act which nothing but accident prevented from being murder. Other instances might be given, but the invidious labour may well be spared, where the object is not to declaim against evils which have existed or may exist, but to shew by what means they may be prevented. The system of limited service, increase of pay in proportion to length of time, with a discharge upon full pay for life at the expiration of one-and-twenty years after the age of twenty, seems to afford those means. Were that system thoroughly established in the army and navy, volunteers would never be wanting for either; and when it was known that men might retire from the service of their country at any time after the age of one-and-forty, with a certain and comfortable provision for life, no other bounty would be required to tempt them into the service. Calculate the chances of life and of war, and it will be found that no great additional expence would be incurred by thus giving the bounty at the end of the term instead of the beginning; but if an additional yearly million were necessary, it would be well bestowed, and a hearth-tax or poll-tax for such a purpose would be cheerfully paid by the people of Great Britain.

CHAP. V.

Proceedings respecting Ireland. Irish Budget. Distilleries. Sir J. Newport's Motion upon the Report of the Commissioners of Inquiry. Tithes. Catholic Emancipation.

THE charges upon Ireland for the year were 3,974,000l., interest and sinking fund upon the public debt; 6,614,000l., the quota of the supplies; and 541,000l. for treasury bills charged on aids of the year, making a total of 11,129,000l. The ways and means to cover these charges were the annual revenue, estimated at 5,000,000l., a loan of 5,400,000l. British, equal to 5,849,000l. Irish currency, and 311,000l. surplus of the consolidated fund, leaving an excess above the charges of 31,000l. In bringing forward these estimates, Mr Foster said, "that he felt justified in taking the revenue of Ireland at five millions, large as that sum was, because in the preceding year it had increased half a million. It was indeed true, that in that year it had been only four millions and a half; but then, owing to peculiar circumstances, the distilleries had fallen a million short, producing only two hundred thousand pounds instead of twelve hundred. But to compensate in some degree for this defalcation in the excise, there was an increase in the customs on rum and foreign spirits, amounting to one half more than at any former period. The loan was unquestionably of such an extent, that he wished it could have been avoided; but it was better to have recourse to it, than, under existing circumstances, to load a country like Ireland with so great an amount of new taxes. The sum necessary to be provided in the present year was but 331,269l.; and though the charge upon the revenue had increased, yet the revenue had increased in a higher proportion. The export of linen had decreased 400,000l., but that deficiency had been made up for by an increase upon different other articles. Hides and skins, and linen and worsted yarn, had decreased in the exports,—a proof of the increasing prosperity of the country, when the raw materials were kept to be manufactured in it. The export of corn had never been so large as last year. The ways and means which he proposed were 35,000l., by a penny upon the postage of every letter, thus assimilating the post-office charges of Ireland to those of Great Britain; 70,000l., by equalizing in like manner the duties on tea, excepting however an allowance of 3 per cent. to indemnify the Irish dealers for the expence of coming to London for their tea; and by a duty upon currants and raisins, which might be ta-

May 30.

ken at 10,000l. ; 30,000l. by equalizing the stamp duties, and by raising the duty on advertisements, which in this country was three shillings, in Ireland, two ; 100,000l. by an additional 12 guineas per ton on Port and Spanish wines, and 18 guineas on French wines ; 18,000l. by a regulation relative to stowage, and 85,000l. by an addition of 50 per cent. to the window tax, which would even then be less than what was paid in Scotland. The sum of these ways and means would be 338,000l., leaving a surplus above what was fully sufficient for the sinking fund and interest of the year's debt of 6731*l.*"

Sir J. Newport reminded Mr Foster of the old remark, that in financial arithmetic two and two did not always make four. "The increase in postage, he thought, would diminish the correspondence in Ireland, and thus lessen, rather than augment, the revenue. The stamp duty was already so much eluded, that it did not produce one tenth of what it ought ; to augment it was to give a higher premium for defrauding the revenue. The advertisement duty would defeat its own ends ; two thirds of the business of the country was already done by hand-bills, in consequence of the existing duties, and this practice would consequently now become more general. The last increase on wine had produced an astonishing loss of revenue, and the same effects were now to be expected ; the window tax, though houses with only seven windows were to be exempted, would still be a heavy burden on persons living in towns, and small shop-keepers." Having said thus much, he pointed out what might have been, and what might be, made available for public purposes, before new burdens were laid on the people. "The renewal of the bank charter might have been granted at a rate which would have produced a fund for the service of the country,—instead of which it was given away almost gratis, for the loan of one million at as high a rate of interest as it would have been lent to individuals, and for a small alteration in the management. A sum greater than at present might be received out of the duties on wrought iron imported from England. The 10 per cent. custom duty ought to produce 53,000l. ; instead of that, by some mismanagement, it only produced 17,000l. There was also a great balance remaining due from dead and dismissed collectors ; and knowing that many of these sums might be easily recovered, and applied to the public use before new taxes were devised, he could only impute their long outstanding to the remissness of the agents and solicitors employed."

March 1. Mr Foster admitted this year, that his opinion respecting the distilleries in Ireland had been erroneous. "The increase of illicit distillation," he said, "had been prodigiously great since the prohibition of distillation from wheat, farmers encouraging the illicit trade in order to procure a market for their produce. In 1807, the quantity of spirits distilled by the open distilleries was six millions of gallons, and the revenue 1,230,000l., while last year it had scarcely been one fourth of that quantity ;—the whole intermediate quantity had been supplied by illicit distillation. A radical change, therefore, in the system of revenue was necessary. When he came into office, he found the system on which he had since acted in full force ; it was on a wise principle, and went to encourage large stills as the means of inducing parties possessed of ex-

tensive capitals to enter the trade; but however good the principle, it had failed, and the illicit traffic was carried on by small stills to an almost incredible extent. To surmount this evil, small legal stills must be encouraged all over the country, by discontinuing the bounty to the large ones. He acknowledged that there were some grounds for the complaints of the Irish distiller of the fluctuation of the revenue laws, and he said that he would endeavour to obviate similar complaints in the future, by granting licences for thirty years, which would give stability to speculation, instead of for one year, as had hitherto been the practice. He proposed also to reduce the duties from 5s. 8d. per gallon to half a crown; there would be a risk of diminution in the first year, but this measure would destroy the illicit trade, and then the sum paid the government by the legal distiller would much more than counterbalance the lower rate of duty. He would also simplify the law, by abolishing the existing distinctions and drawbacks on the quantity of malt or spirits, and simply charging 2s. 6d. per gallon on the quantity distilled. And to avoid the increased expence of collecting the revenue, he proposed to have this duty collected by the collectors of hearth rates and assessed taxes, without the intervention of the excise. His object was to pass a law beneficial to Ireland; revenue was not his sole object, though from his situation it might be thought so; and he would gladly listen to suggestions from every side of the house, without thinking of party, or difference of feelings on other points. By the proposed system, the morals of the people, which were so injured by those illicit stills, would be improved, and the laws, which were now contemned, would, by being enforced, become more respected. A dangerous class of persons also would be put down,—those who, without the cognizance of, and unknown to the magistrates, kept houses for the sale of spirits illegally distilled, under whose roofs had originated many of the evils which had lately so much afflicted Ireland."

Sir J. Newport said, "he accorded most cordially with Mr Foster's proposed measures, which went, in fact, to do what he himself had for the last four years pressed upon the consideration of the house. But the plan which, on his best attention to the subject, he had ever thought most advisable, was to adopt the system of licence; that was, to charge a certain duty monthly upon the capacity of the still, and leave it open to the trader to make more of it by his exertions, if he could. The measure of employing the collectors of hearth rates, and assessed taxes, he was convinced, would never answer; those taxes were not too well collected now, and by adding another duty to the collectors' task, the revenue would suffer still more." Mr Foster replied, that "these collectors were released from their present duty during the six winter months, when the distilleries were most employed; and that the system of survey was better than that of license, which indeed was rendered impossible by the Union: for the allowance of countervailing duties between England and Ireland could never be carried into effect, when it could not be ascertained what was the incumbrance on the spirits of Ireland." Mr Parnell supported the license system; "It had been tried," he said, "with great success in Scotland, and though of late departed from, it was not given up till it had

succeeded in pulling down the illicit trade."

May 3. Sir J. Newport appeared to much less advantage upon another business, "which," he said, "was of most material importance, as it concerned the revenues of Ireland, and deeply affected the interests of that country. It was most necessary to abolish the plan of *incidents*, under which denomination not only pensions and salaries were ranked, but every emolument and fee obtained by those connected with the revenue. The commissioners appointed to inquire into the abuses of the Irish revenues had censured this system as most injurious. In their ninth report, they had censured a grant of 1000l. made to Mr Croker, surveyor-general, for extra-official duties; he did not mean to under-rate the exertions of Mr Croker, or the services which he had rendered; the commissioners allowed that his business was of a most weighty nature, but yet not such as to justify a grant to that amount; nor could he conceive any greater evil, than that of applying the public money upon occasions where it was not deserved." He therefore proposed a resolution, that this sum had been paid to Mr Croker for extra-official duties, and that the commissioners of inquiry did not conceive those duties were such as to entitle him to such a sum. Another resolution which he proposed, was to censure, upon the same authority, a grant made to Sir George Shee, the receiver-general, who had been superannuated after having been in office only eight years, during which he had not attended to the duties of his office. Another resolution related to Mr Forward, the treasurer of the post-office; he could not help stating the grounds upon which that gentleman had requested a superannuation. The money received at the post-office, instead of being delivered into the bank, was left in the hands of the deputy-treasurer; a reform was thought necessary, and a minute was made for the purpose of getting the money into the bank; many attempts were made to do away this minute, that the cash might return into the old channel, but these were ineffectual; the treasurer waited for a government which would superannuate him for his services, and at last he found it. He supposed, as he had not made away with the money which went through his hands, that he was entitled to a large remuneration. Sir J. Newport therefore moved, as his third resolution, that the house considered such a system of conduct as this highly reprehensible. "These," he said, "were but parts of a very extensive system; many officers, nominally superannuated, had salaries under government arising from other situations; and it would even be found, that 5 or 6000l. a-year, were given to a storekeeper, when it could be proved that between 130,000l. and 150,000l. value, in goods, had disappeared, and never been accounted for by those who were justly responsible."

With regard to the first resolution, Mr Foster said "he would state in broad and strong terms, that what had been advanced respecting Mr Croker was not founded in fact, and that if Sir J. Newport read through the report of the commissioners upon which his statement was founded, he would have found that he was mistaken. The sum of 1000l. was not given to that gentleman for extra services; it was a debt due to him, which he would have recovered had he sued at law for it." Mr Foster then read a memorial of Mr Croker's

from the report, in corroboration of this assertion; and this made the matter so plain and glaring, that Mr W. Smith declared his opinion, that no censure could be too strong for the conduct of the commissioners who made the report. Mr Croker's son then rose, and entered into the following statement: "In the year 1801, the elder Mr Croker was appointed surveyor-general of the port of Dublin, with a salary of 800l., being 400l. less than any other surveyor-general had when employed, though his duty required a constant residence in Dublin. He found very considerable arrears of duty due from the distillers, which arose from this cause, that the commissioners could not ascertain the amount of the arrears, nor the quantity of spirits which had gone into consumption without payment of duty, till the end of every quarter, and then it sometimes happened that it was too late to recover. But Mr Croker turning his attention to the subject, found in an act of parliament the means of compelling the distillers to make their return, and pay the duties weekly. There was a clause in this act, enacting, that if any distiller suffered an arrear to exist beyond a given time, he should be liable to a certain penalty, one half of which was to go to the crown, the other to the prosecutor. But it was well understood by the distiller, when Mr Croker put this law into force, that his sole intention was to enforce the payment of the money due to the public weekly; and that though he should, by prosecuting them in case of any failure on their part, become entitled to certain penalties, he would not touch a farthing of these penalties, provided they paid their arrears; and the Board of Excise would, in like manner, remit the other half of the penalties. In pursuance of this plan, Mr Croker obtained judgements for penalties to the amount of 42,900l., to one half of which he would have been, by the letter of the law, entitled; but, in consideration of his understanding with the distillers, he merely kept those penalties *in terrorem* over them, and remitted them as soon as the arrears were paid; and in this manner he proceeded for several years, regularly enforcing payment of the arrears, and regularly giving up the penalties. It remained to explain in what manner that sum became due to him, which had given occasion to the misrepresentation of the commissioners, and the consequent error of Sir J. Newport. Two distillers, who had often got into arrears and paid them up, became insolvent at a time when penalties to the amount of 2,100l. were hanging over them. The arrears not being paid on the occasion, the officers of the court, when the conviction took place, proceeded to levy the penalty, and it was then vested by law, one half in the crown, one half in the prosecutor. Mr Croker happened at that time to be in England, in discharge of his duty, and knew nothing of this transaction till he was called upon to know whether he had received his moiety. It then appeared, that the money, when levied, had been paid into the hands of the collector of the excise, and he, by mistake, instead of carrying it to the amount of fines and seizures, carried it to the account of arrears. Mr Croker's moiety having in this manner got into the treasury, the mistake could not be rectified except by a memorial. Such were the real facts of the case, and assuredly they gave strong grounds to complain of the commissioners. The memorial which Mr Croker presented

to the lord-lieutenant distinctly stated the grounds of his claim; but it concluded, as is usual in memorials, with requesting the favourable attention of the lord-lieutenant to it, in consideration of his long, faithful, and extra-official services. The clerk in entering it, instead of entering the grounds of the claim, merely stated, that it was for extra-official services; and so the commissioners had disingenuously stated it, though they had all the documents before them: their own garbled story they inserted in the very front of their report, and it was only by wading through an appendix of 300 folio pages, in which they had buried Mr Croker's memorial, that the real truth of the case could be found out. They had stated, that there was no difference between this case and any other: the difference was this, that in other cases the penalties had not been levied, but remitted; in this, the money had actually been levied, and of course legally vested under the act of parliament; and with this legal and marked difference, the commissioners had been pleased to say that they could see none! They had not stated, that this case had been referred to the solicitor of the board, and that he had made a report decidedly in favour of the right accruing under the warrant. It might also have been expected that, in point of fairness, when they were about to make this report, they would have examined Mr Croker himself upon the subject; but no one question did they ever put to him upon it, though they had daily opportunities of so doing."

The speaker bore testimony to the high character of the gentleman who had been thus wantonly injured. Mr M. Fitzgerald, in like manner, declared that he deserved every favour which government could shew him, by the length, the zeal, the talents, and the integrity of his public life. Mr W. Pole and Mr Perceval both observed, that if Sir J. Newport had taken the trouble to read through the report and examine the appendix, he would have found the real merits of the case; and Mr Perceval added, that Mr Croker had great cause of complaint against the commissioners for having made so incorrect a report, which had now for more than a year been rankling against him in the public mind. The facts were so clear and so apparent, that Sir J. Newport admitted them to be perfectly satisfactory, and of course withdrew his first resolution. His second resolution shared the same fate. In the case of Sir George Shee, the receiver-general, Mr Foster said, there was no favour asked or granted, nor was there any due. It had formerly been the custom to allow the receiver-general a quarter per cent. on the sums passed through his hands, which on the average amounted to upwards of 5000 l. a-year; this enormous emolument was prohibited after the death of Sir Henry Cavendish, and his successor, who should have enjoyed it, was entitled to a moderate compensation, which was stated at 1400 l. a-year. Would Sir J. Newport say, that 1000 l. a-year was a compensation for discharging the duties of an office through which three millions and a half of the public money passed, and for the due execution of which security to the amount of 25,000 l. was given?

The third resolution was still before the house. "In this case," Mr W. Pole said, "he believed he should convince the house that Sir J. Newport was as completely mistaken as to the facts, as he had been in the

others; and what had passed ought to be a warning to him to be cautious in future how he brought forward charges affecting persons of high character, and how he applied harsh epithets to things without being in full possession of the circumstances of the case. In 1801, Mr Forward was appointed treasurer of the post-office by patent, an office which was considered as a perfect sinecure, and he remained in it never doing duty till 1808, when the office was reformed. During part of that time, Sir J. Newport and his friends were in administration, and they had never called upon him to do any duty, so perfectly did they consider his office to be a sinecure. The commissioners ought to have stated that such was the nature of the office; that Mr Forward had been removed in order that it might be made efficient; and that upon his removal he had been remunerated, as was always the case when patent officers were removed. They had used the word *superannuation*, and applied it to him most improperly; that word was not in the order for granting him his pension; it was *compensation*, and *compensation* was the term which the commissioners ought to have employed in their report." Mr W. Pole went into farther and different details, to shew that great reforms had been made in the Irish post-office, and that the Irish government were adopting regulations for making it as perfect as possible. The third resolution was then put to the vote, and negatived by 82 voices against 25.

The question of tithes, that great and crying evil in the state of Ireland, was once more brought before the house by Mr Parnell. He began by properly shewing, that the system of tithes in that country is
April 13. materially different from what it is in this;—this indeed the Irish members have clearly seen and fairly stated. "If the population of that country," he said, "were taken at five millions, four million were catholics, and half the other quakers and dissenters; the whole therefore of the tithes went to provide the maintenance of the clergy belonging to only one tenth of the population. Such a mode of providing for the established church, under such circumstances, was necessarily unjust and odious. But," said Mr Parnell, "the catholics by no means refuse to contribute to the support of the protestant establishment; all they seek is to be relieved from a mode of paying them, which is on all sides acknowledged to be most oppressive, and to be allowed to yield their contributions in a manner less vexatious. The quakers, and the dissenters, and the protestants, also desire a change; they also feel the tithes as a great grievance, though not in the same degree, and they have been the most forward in promoting those petitions which have been made to parliament for redress. The protestant clergy of Ireland themselves are anxious for an alteration; in fact, all Ireland is unanimous upon this subject. There are other circumstances which make the operation of this system different from what it is in England. Here the demand for labour is so great and so constant, that the labouring class can depend upon their day's wages for the means of subsistence; and they accordingly purchase what they want in the markets. But in Ireland, the want of such a demand renders it absolutely necessary that each person should have a piece of land on which to raise his food, or otherwise he must starve; the consequence is, that every one has land, and, however poor, is therefore liable to pay, and made to pay

tithes. Even those who are exempt by law, on account of their extreme and lamentable poverty, from paying the king's taxes, are obliged to pay the clergy of two religions. So great, in fact, is the poverty of many hundred thousand people who pay tithes, that if they existed in this country, under similar circumstances of indigence, they would be entitled to parish assistance. The necessary effect of such a state of things, is the impossibility of tithes being collected by the clergy themselves. They are obliged to employ proctors, or to let their tithes to tithe-farmers, in order to relieve themselves from the labour, and to avoid the odium of seeking their income from multitudes of paupers. That under such circumstances as I have described, there should be a constant resistance made to the demands of the clergy, can be matter of no surprise. That in many instances the proctors and tithe-farmers oppress the people, and that the people in return revenge themselves on their oppressors, are the necessary consequences of the system, and not crimes natural to those who engage in the outrages that follow.

"The laws respecting tithes are as different as the other circumstances under which the institution exists. In England, if the clergyman exact more than his right, he may be compelled to draw his tithes. In Ireland, it is enacted, that if above a certain number of parishioners call upon the clergyman to do this, such a proceeding shall be considered as a conspiracy, and the parties be liable to heavy penalties. I will not enter into the objections against tithes as a mode of collecting money from the people; it is condemned by all writers on taxation, as inconsistent with every sound principle. I will not therefore inquire how it impedes the agriculture of Ireland, now of such infinite importance to Great Britain; but I will ask, what effect has it had upon the tranquillity of that country? The insurrection of the White Boys was of thirty years continuance. Then came the United Irishmen, the greater number of whom were principally induced to embark in the conspiracy against the government, by arguments founded on the grievances of tithes. The leaders of that conspiracy told the privy council, that if tithes had been commuted, according to Mr Grattan's plan, a very powerful engine would have been taken out of their hands. The Thrashers then succeeded; their insurrection was against the mode in which tithes were collected, not against them as a provision for the protestant clergy, the oath of the association requiring that tithes should be paid to the clergy, and not to proctors. Thus, for fifty years, a continued system of active and open insurrection has disturbed the tranquillity of Ireland, arising from this mode of paying the clergy.

"The objects which I have proposed to myself," said Mr Parnell, "are to exonerate the peasantry, to get rid of the direct payment by the catholic or dissenter to the protestant clergyman, and to give the clergy a just and fair equivalent. If the tithes were to be sold in Ireland, purchasers would not be found. If land were to be given in lieu of them, it would be extremely difficult to get it without paying the most extravagant prices. And as to the plan of corn rents, this objection exists to it, that those who do not profess the established religion would continue to pay directly to it. I do not mean to say, that I have formed a decided

opinion upon any plan, and what I offer for consideration is but an outline, yet such as I conceive would give an effectual and fair remedy for all that is complained of. I would propose, 1st, that the value of each benefice should be ascertained; 2dly, that the net income of it should be paid by the treasury; and 3dly, that the improved value of it should be secured to the incumbent, by a regulation to provide against the effects of a depreciation of money, which may be done by regulating the incomes of the clergy periodically by the price of grain. It may be objected to this plan, that I have only proposed to give an equivalent for the net income of the clergy, and not for the real value of the full tenths. But if such a demand is made on behalf of the clergy, then I must make a claim upon the clergy for a distribution of the tenths according to the original principles on which they were given them: I must claim one fourth for the bishop, one fourth for the poor, and one fourth for repairing the church. It will be therefore more for the interest of the clergy not to raise any such demand. The people of Ireland believe that relief from tithes was promised to them as a condition of the measure of Union. I know no article visibly and expressly exists to bind this country: but I know Mr Pitt held out this relief as an inducement to the people to admit the measure. I know that the speech in which he called the system of tithes a great practical evil, and promised redress, was circulated through Ireland at the expence of government; that it was distributed gratis in every village of the kingdom; that the agents of government were instructed to tell the people that redress would be the result of the Union; and I know the universal opinion of the people of Ireland now is, that the faith of this country is pledged to grant that redress. What sort of policy then will it be for the minister of this country, at this period of time, to attempt to prove to the people of Ireland that they have formed an erroneous expectation? Would it not be better, under all the circumstances of the case, the admitted necessity of a change, and this confirmed expectation, to meet the feelings and the injuries of the country, and to grant the redress that is desired?

"Will the prime minister of this country, at a time when the mass of the population of Ireland have been placed in a state of despair, in consequence of the unexpected obstacles which have arisen in the way of the great measure of emancipation; when the most powerful, the most enterprising, and the most successful enemy that this country has ever had to contend with, is on the eve of becoming master of the peninsula of Spain, and ready to take advantage of our divisions, and to carry into effect his long intended and favourite project of invading Ireland, that vulnerable part of the British empire; will, I say, the prime minister of this country refuse to inquire into the just and well-founded complaints of Ireland? I advise him, and I advise the house, to take care how they come to a decision so repugnant with every principle of the constitution, and at this time so inconsistent with every principle of sound policy. Rather let them do that which it is obvious they ought to do. Shew the people of Ireland that at length the time is come when this country is ready to fulfil the engagements on which the measure of Union was carried, and that

it is sincere in a determination to do justice, and to afford redress to the long-neglected and oppressed people of Ireland."

In this unfortunate manner did Mr Parnell conclude his speech, winding up his advice with menacing hints, which could not possibly produce any other effect than that of encouraging the disaffected; and repeated those ominous croakings respecting Spain, by which the party had already proved themselves so often and so egregiously mistaken upon a point of vital importance to Great Britain, and to the world. He then moved for the appointment of a select committee, to inquire into the subject of the Irish tithes. Mr W. Pole opposed the motion, upon the ground "that it would be most injurious to the cause which all parties had in view, (for he admitted the extent of the evil, and the necessity of remedy) and most unjust to the parties concerned, for the house to appoint a committee, without seeing their way much more clearly than they did at present, and without having some rational prospect that the inquiry would be attended with success. It appeared to him, that Mr Parnell was mistaken as to the real cause of the grievances. A practice had prevailed generally throughout Ireland for a great many years, of letting their lands by public cant, that is, of letting them to the highest bidder, without any consideration of the incumbrances to which the land was liable. The consequence was, that ignorant persons bid for the land, and gave the full value for it, without at all considering that, in addition to the very high price which they paid, they had also to pay tithes. Now the tithes ought to be considered as the first rent to which the land was subject; but ignorant persons, in their eagerness to get the land, agreed to pay the full extent of its value, without reflecting that besides that rent they had to pay the tithes. The landlord forced the tenant to pay the rent, and when they were unable to pay the tithes, supported them against the clergy and the proctor; so that in fact the landlord was the oppressor, and not the clergyman, the lay impropriator, or the proctor.

"By the proposed plan, the compensation to the clergy was to be for the tithes as they were at first established, and not for the right as it now existed. Such an intention had never been broached before. In all the plans which had been hitherto suggested, it had never once been proposed that the clergy should not have their full rights fully secured; an object which, in his view of the subject, ought carefully to be attended to. The lay impropriators received at present about one third of the tithes, the clergy the other two thirds; but instead of receiving one tenth, they did not receive, in some cases, above one twentieth, and in others, above one thirtieth. Any plan of compensation must be founded upon the principle of their being entitled to one tenth; and here was one great difficulty. He did not mean to say it was insuperable; but an obstacle it was, and one which it would not be easy to get over. No men could feel more anxious upon this subject than the ministers did; they had had many plans in their contemplation, all which had been abandoned, because they were found impracticable. Still they were most anxious to afford some remedy; during the recess he would devote his utmost attention to the business, and he trusted that, by the next meeting of parliament, he should be

able to propose some plan to the house; if he could not, he would at once state that he considered it impossible."

To this Sir J. Newport replied, "that promises like this had been repeatedly made, and as repeatedly broken. Was it fair thus to deal with the people of Ireland?—and if they must wait, would the enemy wait also? Would that enemy, who was ever active in his hostility to the British empire, decline to avail himself of the neglect of the English government to perform its engagements to the Irish people? Would he overlook the discontent with which the severe oppression of the tithe system was perpetually corroding the mind of the Irish? This was a consideration to which that house ought to attend, ere it was yet too late. They should take care to strengthen Ireland, as Ireland was the vulnerable point; and that strength was best to be produced by removing the discontents of its unfortunate population.

"Mr W. Pole, he thought, had been extremely wrong in the view which he had taken of the subject. What could be more wrong than the sweeping assertion, that all the Irish gentry were most avaricious, raising their rents to the utmost limit, and thereby begetting a feeling of resentment in the tenants towards the clergy, for exacting dues they were so ill able to pay, after discharging the grievous imposition of their landlords. He did not see how the house could interfere in the letting of lands, even at higher rates than they were worth, between landlords and tenants; but because they could not remedy this, it was no reason why they should not remedy what was within their power. He had consulted many clergymen on this subject, and, among others, one most valuable authority, who had been resident in his parish for 40 years, and that reverend gentleman had said, that if a clergyman for one year collected the tithes of his parish, he would, from a view of the disasters and distresses it occasioned, be an advocate for commutation ever afterwards. By the proctors a great sum was diverted from the pockets of the poor, in vexatious law-suits, &c., which never came into the hands of the clergyman. The mode, too, in which the proctors often concluded their bargains with the tenantry was very productive of oppression. They would call a meeting at the ale-house, kept by a brother, a nephew, or some relation, and there feast at the expence of the parishioners. Other meetings of the same kind frequently took place before the agreement was concluded, and at length it was terminated, after dinner, when the peasantry were half-drunk, and unable to attend to their own interests.

"In this manner were the tithes sold to the highest bidder. The system was admitted on all sides to be an evil, and if the House of Commons was not able to apply the necessary remedy, it was because they were not fully acquainted with all the circumstances attending this Irish question. The proposed committee of inquiry would give them full information, and thus they might come to a just decision. As for its creating a flame of expectation, this was the usual and general objection. The contrary was the case; for when the people saw that the house was in earnest, prosecuting measures for their relief, they would be satisfied. They would be satisfied, even though the result should be that no remedy could be found. If the other course was pursued, and inquiry stifled, it would

be the source of rooted and bitter discontents."

The same opinion was enforced by Mr Grattan. "It was not," he said, "the commutation that was impracticable, but it was the strict levy of the tithes that was so. The Irish clergy ought not to attempt to levy a tenth of Irish produce, because the measure itself was an impossibility; they could not do it, and what was more, they would destroy themselves by attempting to do it,—the attempt would involve their destruction as a corporation. But were it practicable, would it be expedient? Let the church take the tenth of the national wealth, and what do either the country or the corporation gain? The church may become too rich for devotion, and then a comparison will naturally grow out of the wealth of the established clergy, and the poverty of the tolerated; the one will have its odium, and the other will have its praise; the odium and the praise being both popular, may be equally excessive, but not on that account the less mischievous. He did not wish to touch the present income of the church. He would make it the basis of any arrangement that was to be proposed. Tithes, though abolished, would not affect an income derived from a different source; the country was able to provide for their established clergy, unless gentlemen would say that it was easy to provide for the moderation of the catholic clergymen, but impossible to provide for the hungry ambition of the protestant, who would listen to no other commutation than that of a tenth for a tenth. But that would not be said; he would not say it; for he could speak from knowledge in testimony of the moderation of the majority of the Irish protestant clergy. There were a few whom he found to be sufficiently acute, and furnished with a quick scent in the pursuit of clerical profits. They were, however, but few; the generality were of a different order. But the tithe proctor was of another species and another stamp, a public factor of public rapine; he extended beyond himself the infamy of his galling and griping character. The church suffered from the officious ministry of those sordid harpies. The tithe proctor cannot help being a tithe proctor. He only follows his nature when he grinds. But the clergy should be removed to a jealous distance from the contagion of such a connection. He was for going into a committee, if it were only to shew the Irish public that their interests were not wholly indifferent to that house."

Mr Grattan was answered by Dr Duigenan, who affirmed, that the grievance of paying rent to a landlord might as well be complained of as that of paying tithes. And what were those tithes which were the subject of such loud complaint? To his knowledge no more than five shillings an acre was levied in the diocese of Dublin; and he begged leave to ask whether such an imposition was too heavy? and if it did not on the other hand appear almost insignificant, when the immense produce of the land was considered? But the conduct of the clergy in making these demands upon their parishioners was very indulgent; for, after the tithes had been due for some time, they were content to take a note at a year's date for the amount. It was wrong to call tithes a tax; the clergy were as well entitled to them as the land proprietor to his lands: and as to their being a severe and partial exaction upon the property of the Roman catholics, that

could not be the case, while forty-nine parts out of fifty of the landed property of Ireland were in the hands of protestants."

Mr Perceval also objected to the proposed committee, "because," he said, "they who proposed it had not themselves any distinct idea of the object which they had in view; if they would come forward with any distinct proposition, he would examine it with the greatest candour and attention. This, however, was always to be borne in mind, that the clergy were entitled to the tithes; tithes were the inheritance of the church, and if commuted, ought to be commuted for the value of a tenth, with a diminution for the expences now attendant on their collection. In that case the tenantry of Ireland would pay much larger sums than they did at present." The question was debated in a thin house; 48 voted for the committee, 69 against it; but Mr Wilberforce, and that party whose opinions upon such a subject come with double weight, from their known attachment to the protestant church, voted in the minority.

The catholic question had slept during the preceding session; it was revived in the present, and *Feb.* 27. occupied more of the time of the house than of the attention of the public. Mr Grattan presented a petition from the Irish catholics. "When last," he said, "he had addressed the house upon that subject, he had stated that the catholics were willing to concede to his majesty the right of *veto* on the nomination of their bishops. He was sorry to say that he could not repeat this; but whether he had misinformed the house, or they had been guilty of retractation, was a question which he would never agitate, it being his fixed principle never to defend himself at the expence of his country. For himself, he had uniformly thought that the investiture of a foreign power with the unqualified and arbitrary right of nomination to any portion of our magistracy, was in itself an objection to the measure of emancipation, which circumscribed the liberality of many, and had shaken the confidence of more. The objection might perhaps be removed, certainly be modified; modified it ought to be. The pope was, or was likely to be, a French subject, and it was indispensible that the nomination of the spiritual magistrates of so great a portion of the community should not be placed under the controul of the common enemy. If the catholics disapproved of the veto, it behoved them to provide by some other mode, equally efficient, and not equally obnoxious, that no grounds should be left for those gloomy apprehensions of insecurity, resulting from acceding to their claims; it was incumbent upon them to shew, that the admitting them to the privileges of the constitution was wholly consistent with its safety. That it was so, he had a deep and ample faith; and upon some future day he would call the solemn deliberation of the house, to sit in judgement upon the great question of giving all the defenders of the empire the same dear interests in its security; of consolidating our means as a people, by making us an united people, cementing our strength by a more universal diffusion of the privileges that made us strong, and extending the defence of our rights, by extending their participation. On that day he should rest his arguments upon two great claims, which he would put in on the part of the constitution: first, no religious disability; next, no foreign nomina-

tion. Upon the common ground of those two principles he would take his stand. He trusted that there would not be betrayed, upon either the one side or the other, any heat or violence. This was a question upon which transient effusions of ungoverned warmth might inflict permanent wounds. Passion and prejudice should keep equally aloof from its discussion. The soothing progress of time had imperceptibly done much to heal, and change, and reconcile; reciprocal good will had been gaining upon reciprocal recrimination. The question was a sort of protracted marriage. Both parties were growing wearied of asperity; they were learning to bear with one another's failings, to take the worse for the sake of the better, and would soon have a common sympathy in their sufferings and enjoyments."

This speech led to some obvious remarks from Mr Perceval. "Mr Grattan," he said, "had at length admitted the danger of giving the Roman catholics what they sought for, or if he did not, why did he speak of the necessity of a remedy? He was now of opinion that certain great and important provisions were indispensible, in order to guard the constitution against the danger likely to arise from the concession which he demanded. It appears, then," said Mr Perceval, "that we both see the danger, though we do not agree as to the best means of providing against it. I hope, therefore, I shall hear no farther charges of intolerance, since the right honourable gentleman himself, who has so long been the advocate of the catholic claims, has acknowledged that there is something to be apprehended from the influence of the pope in the nomination of the Roman catholic bishops. This is the intolerance of which I have been guilty. I have always thought it dangerous; he now thinks it so. But there is one other point upon which I must beg leave to remark. The right honourable gentleman has said, that whether he had misinformed the house, or the catholics had retracted their cession of the veto, is a question which he will never discuss. This is all very well between the catholics and him, but not so between him and the house; for if the house had been so influenced by that proposition as to have resolved upon some immediate proceeding, that right honourable gentleman would have obtained from the house a consent upon a condition, which condition would never have been fulfilled."

Mr Grattan did not renew the subject till late in the session, when the hopes which the Walcheren inquiry had raised in his party were at an end, and the stir which Sir Francis Burdett had excited was subsided. He then moved for a committee to consider the petition, resting his motion on the two grounds of domestic nomination and civil capacities. "Domestic nomination," he said, "obtained with the consent of the pope, whether placed in the chapter or the catholic bishops, did not affect the pope's authority of investiture, or any of his spiritual functions, and was in fact the present practice of the constitution of the Irish catholic church. This will be the more necessary if the *veto* be withheld, otherwise there would be no check on a foreign, and perhaps a French appointment, of Irish bishops. Suppose the pope to be made by Buonaparte, to be a French subject, and to nominate by his direction catholic bishops for Ireland; if an invasion happened, what would

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be our situation, with French troops and French bishops in the country? The people of England may say to the Irish, follow your faith;—we do not understand your religion, but there is one religion which we do understand, and which should be common to both of us, a perpetual separation from the politics of France: this should be our common faith; without it no protestant is safe, with it no catholic is dangerous."

This part of the subject was soon dispatched. Mr Grattan expatiated upon the second part, beginning with premising what he called some general rules. "And first," said he, "the legislature has no power to make partial laws, or a different code for different parts of the same community. Again, the legislature cannot, in justice, make arbitrary laws, or disabling statutes, on account of accidental differences. Again, the legislature has no right to punish the operations of the mind, for she has no right to know them. Again the legislature has no right to punish religion, or that relationship which man holds to his God, independent of society. The charges against the catholics are, that they believe the pope has a deposing power,—has in this country a temporal power; that they believe he is infallible; that they hold that he has a power to absolve from moral obligation; that they hold the doctrine of no faith with heretics; and that they are hostile to the establishment in church, state, and property. To establish this monstrous libel, no proof whatever is brought; to disestablish it, there is the reply of the six universities, the oath of the catholics, proposed and enacted by the Irish parliament in 1793, which swears him to the support of the protestant state, church, and property; and there is the impossibility of the truth of the charges, for were they true they would amount to a dissolution of the elements of human society. They are irreconcileable to the truth of the Christian religion; they suppose the catholic to be more depraved than either pagan or idolater. But the catholics are by far the majority of the Christians; it would follow, therefore, that the majority of the worshippers of Christ are worse than the worshippers of Jove or Mahommed. But this is not all; they are, according to these charges, rendered thus execrable by their religion; it would follow that the design of Christianity had been defeated; that omniscience had been blind, omnipotence baffled; and that what we call redemption was the increase of sin and decrease of salvation; that is to say, that the Christian religion is not divine. They who make the charge must therefore abandon their arguments or their religion. Well, then, this is denied; the religion is acquitted, and we must search for the source of censure in physical or moral causes. But there is no physical cause producing moral depravity. God punishes, but he does not corrupt. We have no idea of a moral pestilence, least of all of a party plague, which should visit the house of the catholic, and obediently retire from that of the protestant, living in the same vicinity: such a supposition is nonsense. The cause cannot be physical, it must be moral therefore; that it is to say, it must be the laws: it cannot be wealth that has caused this perversity in Ireland, it must be the penal laws and penal government.

"The argument, then, goes not against the catholics, but against your system of governing them, and pronounces that the result of your con-

nection with Ireland has been the unparalleled depravity of the inhabitants. Or do you suppose it is the soil of Ireland, or the air, or the Eucharist, that produce that conclusion; and not the laws, that took from the catholics their land, their arms, and their civil liberty? The laws, or the penal system, are a partial attainder of the people in mass, not on account of acts, but on an allegation of character; which character is not proved, is not true, and has no possibility of truth, except such as may arise from oppression.

"There is nothing either in the catholic religion, or in the composition of the Irish catholics, that warrants the objection. We are told we are to look for that objection in the fundamental laws of England, and in the oath of the king. It is late, very late, to tell us this; before the Union we should have known it. What, have you taken away the Irish parliament, and then do you tell the Irish catholics, that, by the fundamental laws of the land, they must be excluded from yours?

"The refusal of what the Irish catholics require rests upon six wicked propositions. 1st, That the majority of the followers of Christ are the worst of the human species, and that they are rendered thus bad by their religion. 2d, That the result of the British government in Ireland has been the unqualified depravity of her inhabitants. 3d, That the fundamental laws of England are incompatible with the civil privileges of the majority of the Irish. 4th, That their first magistrate is sworn against their rights. 5th, That the protestants of Ireland have gotten a great proportion of her land, and should therefore disqualify a great proportion of her people. 6th, That the protestant church is paid in a great proportion by the catholics, and should, for that reason, deprive them of their civil privileges. On the truth of such monstrous propositions, it is supposed we are warranted to commit, on the principles of law, four capital violations; namely, to continue laws which are partial, laws that are arbitrary, laws that punish opinions, and laws that punish religion. Six monstrous propositions, and four palpable violations, to do what? to ruin your empire: for what else but ruin is that policy which divides your people in the face of your enemy? If you were to send to hell for principles, or to Bedlam for discretion, you would not find worse.

"The effects of the penal code were as pernicious, as the theory was monstrous upon which it was founded. Turn we to the age of the repeal of that code, which begun in 1778. In 1778 and in 1782, the rights of property and the rights of religion were in a great measure restored. Nor were these acquisitions a barren liberty. The exports of Ireland increased above one half; her population near a third; and her agriculture, that was not before able to feed a small number of inhabitants, (for we were fed by corn from England,) supplied an increased population of one million, and sent a redundancy to Great Britain. The courtier was astonished—he had contemplated such prospects as the frenzy of the enthusiast, he read that frenzy registered in the public accounts. Nor was all this wealth slow in coming. The nation started into manhood at once; young Ireland came forth like a giant, rejoicing in her strength. Public prosperity so crowd-

ed on the heel of the statute, that the powers of nature seemed to stand at the right hand of parliament.

"The leading causes of this were as evident as the fact: the country became cultivated, because the laws that deprived the catholic of an interest in the soil were repealed, and an opportunity was given to the operation of her corn laws; her trade increased, because the prohibitions on her trade were removed, because she asserted her liberty; and she asserted her liberty, because she suspended her religious animosity. Unanimity shut the gates of strife, and Providence opened the gates of commerce. Providence had whipped the country, through a century, with her own acts of parliament, and blessed her on the repeal of them; and so connected were the penal laws and the poverty, the crime and the punishment, that it did not seem to be a series of cause and effect; but a superior power standing in the island, visible, inflicting with its lash, and exhorting with its bounty, and suggesting, by the indelible lessons of woe and weal, to my country how to get her liberty, and yours how to secure her empire.

"I have drawn examples from my own country; I pass over others: I might—I do not,—detail the gloomy catalogue of despotic governments, whose yoke has been established by religious discord; or of empires, like that of the Greeks, erased; or of nations, like your own at certain periods, stung to madness by that inexorable fury. I avoid the dungeon of theology, the mad-house of casuistry, and the noisy tribe of the sectarians; nor do I dwell on their bookish ignorance, and their vulgar turbulence, nor tell with what fury they fought, with what feebleness they reasoned; and how they ever abused their victories over each other; trampled on one another's liberty, abandoned their own; forgot their God, and sated the wildest revenge with all the spiteful cant of hypocritical devotion.—They did not want their king-cry, and their church-cry, nor any of that public rant, with which, for political purposes, the public cheat panders the name of his Maker. I pass over the contentious part of the history of my own country; the ashes are yet warm, and I fear to tread on those perilous materials, or to re-kindle flames in a country where oblivion is patriotism, and concord is salvation; doubting whether I possess the good qualities, certain that I share all the infirmities of my nation, I have no right, in another country, to criticise my own, but am obliged by duty, and led by inclination, to defend her—protestant and catholic without distinction, and with unabated fidelity. Sufficient to say, that in her religious contests the different partizans did what all religious partizans ever do, they abused their victory, and they paid the penalty; the catholics lost their land, the protestants lost their liberty, and both a free constitution. The times I allude to are past, the religious spirit that inflamed them is past; Bellona has recalled her learned gentlemen of much theology, and much metaphysics—Bedlam has shut her gates upon them—Bigotry is now no more than a spent fury. Three hundred years have been sufficient to subdue one miserable madness; the great bodies and establishments that formerly petitioned against the catholics, have either recalled their thunder, or expressed their approbation. There is not on your table a single petition against the catholics; the city of London has not stirred; the city of Dublin has rejected an anti-catholic ad-

dress; the university of Dublin has done the same; a great northern protestant county in Ireland has passed resolutions in their favour; the university of Oxford, in her late distinguished appointment, has marked her approbation of the principles of civil and religious liberty; your pulpit resounds with strains the most liberal, in lessons equally brilliant and profound; the mitre is placable—we recognize, with gratitude, the genuine majesty of the Christian religion: You yourselves, your government and parliament, have led the way. In 1790, you set up the popedom; 1791, you established popery in North America; in 1808, you conveyed the catholic religion, with all its rites and ceremonies, to South America; in 1809, you sent to Spain and Portugal two armies, to support in both, and in full power, the splendour and the rights of the Romish church. You employed Irishmen and Irish money in these expeditions, and will you now disqualify the Irish for popery? France out of the question, there is not a catholic on the globe whom you have not embraced, except your fellow subjects. To that embrace I now recommend you."

Sir J. C. Hippesley seconded Mr Grattan's motion. He also began by noticing the manner in which the catholics had disclaimed the proposal of the *veto*, which their advocates had made for them. "The Irish press," he said, "had for two years continued to pour forth in rapid succession the most unqualified calumnies against those who favoured a measure, which, in fact, had its origin with the four metropolitan and six other senior prelates of the Roman catholic communion in Ireland. The last, though not the least injurious and unmerited attack, was confidently stated to have issued from the pen of an Irish Roman catholic prelate. Could he be really ignorant of the origin of the measure which he deprecated? Could he be ignorant that the ten senior prelates of his own order, comprehending the four titular archbishops, in the month of January, 1799, solemnly resolved, that 'such interference of government as may enable it to be satisfied of the loyalty of the person appointed is just, and ought to be acceded to?' And further, 'that, to give this principle its full operation,' themselves laid down the details of the elections of their bishops; and proposed that the person so elected was to be presented to government, and that, if he were objected to, the electors were to proceed to the election of another candidate? Could he be ignorant that those prelates appointed a committee of three of their appointed body, to transact all business with government, 'relative to the said proposal, under the substance of the regulations agreed on and subscribed by them?' and that the proposed resolutions were transmitted to the lord-lieutenant, and to the king's ministers? Such were the facts! True it is that those resolutions were not acted upon, for they were to be practically concurrent with a proposal which had been made to the prelates, namely, that of an independent state-provision for the clergy of Ireland; and the prelates had resolved, that 'such a provision, through government, competent and secured, ought to be thankfully accepted.'

"Circumstances indeed had prevented that great and just measure, which was then avowed to be in the contemplation of government: But thus the business stood on the part of the heads of the Irish catholic church. An English catholic prelate has affirm-

ed, that these concessions were obtained from them by practising upon fear and solitude, while the reign of terror was still breathing. This he could with confidence deny from his own personal knowledge, and the part which he himself bore in those transactions. But supposing that terror had been indeed the order of the day, what different qualities must those venerable prelates possess from the stern inflexibility of their confidential agent, who has so repeatedly declared, that he would suffer martyrdom sooner than give up an atom of the essential discipline of his church! His own constituents, nevertheless, for this act, are accused of a commerce of robbery not less than sacrilege, and of an acquiesence in a measure calculated to stir up insurrection, to suffocate Christianity, to desolate Ireland."

Sir J. Hippesley then entered into so long a discussion, that it occupied the whole remainder of *May 25.* the sitting. When the question was resumed, Sir William Scott rose, not merely to state his own sentiments, but those of the University of Oxford, which he represented, and by which body he was intrusted to state their opposition to the prayer of the petition. "They have been given to understand," said Sir William, alluding to Mr Grattan's broad assertion upon the subject, "that their late election of a chancellor (Lord Grenville having been elected upon the Duke of Portland's death) has been considered in this house as implying a departure from those principles which they professed upon the subject when it formerly came under discussion. The compliment paid them by Mr Grattan, upon this proof of increased liberality, they beg to decline, though with all private respect for the quarter from whence it comes. Of that election it becomes me to speak with peculiar reserve; but I can say without offence, that the success of the noble person was produced by other causes, and for other merits than those which have any connection with the catholic cause. My constituents object to these petitions, because they consider them as injurious to the civil and religious establishments of their country; and I state this with the more satisfaction, as it is an opinion which is in unison with my own. The practical wisdom of mankind has pretty generally acquiesced in the opinion, that it is fit that there should be a national religion connected with the state, but with a liberal toleration for those who are of different religious persuasions, not affecting the safety of the general establishments of the country. Upon these principles the constitution of our own country has rested in its best and most enlightened times. It has prospered under their influence; and a constitution so formed, and so happily prosperous in its effects, ought not to be hazarded but for causes the gravest in their own nature, the most defined in their extent, the most pressing in their necessity, and the most assured in the beneficial consequences which are expected to result from them.

"Upon the subject of connection between the civil and religious establishments, it rather appeared to me, that the right honourable mover did not very exactly adhere to the same principles in every part of his very eloquent speech. Certainly in a part of it he had laid down principles that pretty strongly militated against the legality of such a connection. He laid down, in broad terms, that religion was a matter entirely between

the conscience of the individual and the Creator; that the state had nothing to do with it; that where it did interfere, it wandered out of its proper functions, and encroached upon the sovereignty of the Supreme Being. But he did likewise admit in another part of his speech, that 'if a hostile army was now to land in Ireland, whilst the pope was in his present condition, that the spiritual authority of that pontiff might be most formidably employed against the safety of that country;' and how? by the influence which that spiritual authority has over the consciences of catholics. If so, he admits the position, that religious opinions may possibly be attended with civil dangers; that the state has an interest in checking, and a right to check, the activity of such opinions; a right to employ means of self-defence, to consult its own safety, and certainly not to intrust the holders of such opinions with such portions of its own civil authority as may, under possible circumstances, be applied to its ruin. If so, what becomes of the unqualified assertion, that the state has nothing to do with the religious opinions of its subjects?

"To another part of the right honourable gentleman's speech, I shall advert but shortly; that is, to the part of it connected with the immediate history of Ireland, and to the unhappy contests which have taken place at different times in that country. I decline entering into a subject painful in its nature, and which can hardly be touched without exciting sensations which I should be very unwilling to revive for a moment. He has painted in strong colours the oppressions under which the catholics of that country had laboured; but may I be permitted to ask, if it is quite fair to represent all these as the effects of protestant aggression, without any provocation of any species? at any time? and consequently without any justification or excuse? Has nothing taken place within the two last centuries that might, to an eager mind, furnish materials for unkind reflections upon their opponents? Has nothing passed within the memory of the youngest gentleman in this house, that might not suggest something of the same kind to those who would be disposed to use it? I am confident the house will hardly deem it just, in reviewing the history of that country, to confine all the blame to one party; or to think it right that all the transactions of the one should be forgotten, whilst those of the other are to be recorded in brass or marble. I agree in the principle that all should be mutually forgiven. That all should be forgotten, may be more questionable in considering a measure of prospective regulation. To turn one's back entirely upon all history and all experience, has not usually been deemed an act of true political wisdom.

"There is a material difference to be remarked," pursued Sir William Scott, "between the petitions themselves, and the arguments used by the right honourable mover. The petitions propose nothing but an unqualified repeal, and they do this in perfect conformity to their former applications. The motion for a committee does not in itself propose any more; but Mr Grattan, in his speech, opens another view of things; for he expressly states, 'that the appointment of this committee is for the purpose of considering the terms on which the petitions are to be complied with; admitting without reserve, that, without terms, this compliance cannot be

given. On all former occasions, they who argued in favour of these concessions adhered closely to the prayers of the petitions, by contending for an unqualified repeal, as matter of clear unqualified right and justice. Suppose, however, the committee formed, what is to be their employment? Are they to take into consideration petitions acknowledged by the mover to be inadmissible upon their own terms, and then to try their luck in finding out conditions on which they might deem it safe to comply, but which conditions there is no reason whatever for supposing the petitioners will accept? We have every reason to infer from the language of the petitions, that no such change has taken place in the minds of the petitioners, as I have remarked in the arguments of their advocates; they do not seem to have hit upon the discovery that conditions are now indispensable; their demand of the repeal is still unconditional. The conclusion therefore is, that if both parties are consistent, the appointment of a committee can lead to nothing; because if the committee acts upon the principle of exacting conditions, it will in effect negative the petition; and if the committee does not exact them, the petitioners must negative the result of the committee's labours.

"The right honourable mover has acted fairly in declaring what is the species of security he would require, viz. a domestic nomination of their prelates, which he conceived would be a complete defence against the dreaded interposition of French influence over the catholics of Ireland. But was he enabled to give any assurance that this security would be furnished? No such thing: he has only rested upon his own reasonings, that it was fit it should be furnished, and thence inferred that it might probably be expected. But surely he cannot have forgot how little the same premises led to the same conclusion, upon the proposition of the *veto*. He has with great force contended, that that would be the most natural and safe security that could be resorted to,—the fittest therefore to be adopted; and yet he has admitted without reserve, that to obtain that is a groundless expectation. Considerations of propriety and fitness, therefore, (as they strike his mind) are no sufficient grounds for a rational expectation of success in the offer. What reason has he to hope, that the proposition he wishes to substitute would meet with a better fate and fortune than his favoured *veto*?

"Without knowing distinctly the grounds on which the right honourable gentleman builds his hopes, it appears to me infinitely less probable that this scheme of domestic nomination would be acceded to by the catholics, than the rejected *veto*. Is the power of nomination to reside in the other prelates of the church? Are they expected to nominate independently of the pontiff? Is it at all likely that they would concur in a form of appointment so little consonant to the general sense and constitution of their church? If the laity are to share in the nomination, would that be less than an entire schismatical defection from the whole of their ecclesiastical establishment? The discipline and constitution of their church, make neither a small nor an insignificant part of the religious faith of that communion. They are fundamental points—matters of high and important orthodoxy; the unity of the church, the regular devolution of authority from the sovereign pontiff to the prelates, to be by them com-

municated to inferior pastors, are essentially connected with the most vital offices of religion. Is it to be supposed, that all this would be sacrificed by the general body of the catholics of Ireland for the attainment of the present object? I see nothing in the history of that people that should induce us to expect it. They rejected the *veto* with horror and disdain; I honour them for a conscientious adherence to the principles of their faith in so rejecting it. But I must honestly confess, that the reverence which I feel for that conduct would be much diminished, if I saw that they were disposed to adopt the present proposal, which goes to a much wider departure from the doctrines of that church, than the proposition of the *veto* itself. The *veto*, if admitted, would give his majesty merely a negative; and this, I think, has been rightly enough admitted by Dr Milner, to be a 'mere shadow,' a thing of shew, but of no real efficacy. But this proposal of a domestic nomination, instead of merely giving his majesty a concurrent jurisdiction, shoulders the pontiff entirely out of the business, and devolves it into hands which are as yet unknown from any description with which the right honourable gentleman has favoured us. In such a course of things, what becomes of the sovereignty of the pontiff, or the unity of the church; how is this machine of domestic nomination to be put upon the wheels? Is the pontiff to be consulted, or is he not? If he is to be consulted, how can that be done in his present captivity? Can he accept any *concordat* but such as is dictated by his gaoler Napoleon? And what sort of *concordat* is likely to be approved by that inexorable oppressor, which comes to him under the description, that it is intended to prevent the success of French interference in Ireland? Let any man weigh that question and its probable solution in his own mind. Supposing such a *concordat* not made, is this catholic church in Ireland to usurp the functions of the pontiff, whilst he is languishing in an obscure and helpless captivity, without his knowledge and approbation? Can any man venture such a supposition against all historical, all theological knowledge? What! take to themselves the peculiar attributes of that personage, on account of his temporal calamities! I observe no indication of such a disposition on the part of the catholics of Ireland: I see no inclination to withdraw from their allegiance to the person whom they consider certainly as their spiritual sovereign, or to usurp upon his prerogatives, because he is under the lash of a tyrant, who, in terms replete with perjury and falsehood, professes to respect him. I see no such inclination in the catholic laity of Ireland; still less in their catholic bishops. I know that there are in all religious persuasions men who sit loose enough to the distinctive opinions of their sect, or, as the fashionable phrase is, are extremely liberal on the subject of opinions of that nature. There are likewise persons in this particular communion of Christians, for whom I have all possible respect, who also entertain a system of opinions, in which I must believe them to be perfectly sincere, though I must consider those opinions to be not so clearly reconcileable with the principles of the catholic church. But if the matter were ever so clear, that their opinions were perfectly reconcileable with the proper dogmas of the catholic church, still I maintain that the opinions expressed by the bishops and pastors of that church, supposing them to be

ever so erroneous, are those by which the faithful in that church are likely to be governed, and that those opinions exclude all hope that this project of domestic nomination can be acceded to by the general body of catholics in Ireland. The bishops and pastors are, according to the principles of that church, the depositaries and organs of its faith under the pontiff; and if their judgements upon the matter differ from those of the noblemen and gentlemen who are willing to negociate upon terms, there can be little doubt whose judgement will prevail with the general body of catholics. What the judgements of those persons are upon this matter, may be learnt from a pamphlet lately published by their accredited agent, himself a prelate of the church, and certainly a person of considerable learning, and of an intrepid sincerity in the avowal of his opinions. I mean Dr Milner. In that publication it is stated, 'That you may as well attempt to pluck a beam from the sun, as attempt to touch a fibre of the spiritual authority of the pope; that the attempt to divide the catholics from the pope is a monstrous experiment; that it is giving them the shell, and refusing them the kernel.' Now, if such are the catholic doctrines of Ireland, what hope is there that the present proposition can be realized? Would it not be asking these people to surrender their consciences, and declare themselves not catholics?—When you attempt, without a real conversion, to strip a catholic of the opinions which he holds amongst the most sacred tenets of his church, how much do you propose to leave in that person either of a real catholic or of an honest man?

"Suppose, however, these fundamental difficulties were surmounted, how is the intercourse that is absolutely necessary for the purposes of confirmation and investiture to be maintained? Certainly not without the permission of the person who now holds the pope in custody; and is it likely that that person will concur in executing a plan, the avowed purpose of which is the total exclusion of his interference? In fact, the proposed arrangement seems to me to project little less than the transfer to Buonaparte of that power of the *veto* which the catholics, upon conscientious principles, have refused to allow to their own lawful sovereign. In every view in which I can contemplate the project, it is impracticable and hopeless, as far as the catholics are concerned. Whether, if it were practicable, it is that in which protestants should acquiesce with entire satisfaction; whether we ought to consider it as a sufficient security against that overbearing influence which the hierarchy of that church exercises over its members, and is surely not unlikely to exercise against the interests and safety of the protestant, or, as they call it, the non-catholic church; is another question. According to our notions, we have cleared our religious system from the impurities which it had contracted during the darkness of the barbarous ages; according to our notions, they unhappily lost the favourable opportunity of accomplishing the same work. Their notions give a very different representation of things; they consider us as the corrupters of the true faith. With the prejudice which such an opinion inspires, supported by the influence which the governors of their church possess, I am by no means prepared to say, that this domestic nomination could be accepted as a sufficient security, even if all foreign influence,

with its attendant dangers, was out of the case. It might, even in that state of things, be a grave question, looking to the natural hostility of that system of religion to that which has supplanted it in civil establishment, and to the spiritual power over conscience which that system maintains, by the use of all the means by which the minds of men can be forcibly affected. We are to remember, that the pastors of that church are not like the obscure teachers of petty conventicles, with little influence, and dependent on the fancies of temporary congregations; they compose a numerous and embodied hierarchy, acting by a regular and permanent system, tending to a common purpose by an application of the most powerful means. Something more might be requisite, under such circumstances, for the safety of the protestant establishment, than this domestic nomination. But when you combine with this, the apprehensions arising out of foreign influence directly hostile to every interest which the state is bound to protect from danger, and the impossibility of excluding that influence by any barrier which this measure proposes to erect, I cannot for a moment hesitate to give this motion a decided negative. It calls for a committee to consider a proposal which appears to be unattainable in itself, and which, if it could be attained, would not give that security to the state and to its establishments which they have a right to demand, and a duty to maintain, against the dangers of probable aggression."

By way of replying to this excellent speech, a speech every way worthy of the distinguished person from whom it came, Sir J. Newport repeated the old cry against the injustice to which the catholics were subject; insisted upon their right to have all their claims conceded; and claimed that concession as a promise made by the British government through Mr Pitt's administration. This called up Lord Castlereagh. "His sentiments in favour of extending constitutional privileges to the catholics, coupled with adequate arrangements for the security of the constitution in church and state, had always," he said, "been unequivocally declared; and he had supported the Union for this reason among others, that it opened the only means of accomplishing this so desirable an object. So long as Ireland was governed by a distinct legislature, a participation in political power with a sect composing a majority of the whole population, was utterly inconsistent with the security of the established church, and with the tranquil administration of affairs. It was the measure of Union to which he had looked as alone calculated, by placing the whole fabric of the government, civil and ecclesiastical, upon the basis of a corresponding population, to enable the state to adopt a course of greater political indulgence to the catholics; but, in looking to such a system, it never had been his opinion, nor that of Mr Pitt, that such concessions could be made without qualifications and restrictions; it had been, on the contrary, their deliberate and declared opinion, that they could only be thought of upon the principle of substituting new and equivalent securities in the room of those to be done away; securities which, in their judgement, might be framed upon principles consistent at once with the tenets of the Roman catholics, and with the improved security of our civil and religious establishments.

"The catholic hierarchy in Ireland

is known to be, at this day, in a state of more complete and unqualified dependence upon a foreign authority, than any other catholic church now subsisting in Europe. It is no reproach to the Roman catholic clergy of Ireland, that the liberties of their church have not been vindicated in former times as successfully against the see of Rome as those of the Gallican or other Roman catholic churches have been: such efforts have seldom been made successfully, except in concert with, and at the instance of, the state itself. It has been the unfortunate policy of the British government, since the reformation, instead of endeavouring to limit and controul papal authority, (so far as papal power may, consistently with the principles of the Roman catholic church, be limited and controuled) to aim at a fruitless and ineffectual exclusion of what they never did, or could effectually exclude. If such a policy were ever rational, it is obviously inapplicable to times when the religion of the Roman catholics is not only recognised and established by law, but those who profess it admitted to the exercise, if not of all, at least of some, of the most important privileges of the constitution.

"Is it not obvious, then, that the state and the Roman catholics have a common interest in obtaining such safeguards against the abuse of papal authority and foreign influence as other states, both Roman catholic and protestant, have established, without prejudice to the principles of the Roman catholic church, and with the full acquiescence and sanction of the pope himself? and surely, if, at former periods, such securities were desirable, how indispensably necessary have they become since the head of that church has not only ceased, in common with the other states of Europe, to be free, but has been enslaved as a prisoner within the territories of the enemy?

"It was with these feelings," said Lord Castlereagh, "that Mr Pitt's government, at the time of the Union, contemplated the possibility of effecting a general settlement, upon the ecclesiastical part of which I was authorised, in the year 1799, to communicate with the catholic clergy. It was distinctly understood, that the consideration of the political claims of the catholics must remain for the consideration of the Imperial Parliament; but the expediency of making some provision for their clergy, under proper regulations, was so generally recognised, even by those who were averse to political concessions, that a communication was officially opened with the heads of their clergy upon this subject. The result of their deliberations was, that ten of their bishops, including the four metropolitans, drew up and signed certain resolutions, which were laid before government: these resolutions began by declaring, 'that in the appointment of the catholic bishops, such interference of the government, as might enable it to be satisfied of the loyalty of the persons to be appointed, was just, and ought to be agreed to;' they distinctly granted the *veto* to government, and they declared 'that the prelates were satisfied that the nomination of parish priests, with a certificate of their having taken the oath of allegiance, be notified to government.' These resolutions I received from the heads of the catholic church; they corresponded precisely with those regulations which Mr Ponsonby was authorised by Dr Milner to open to parliament in 1807. Judge, then, my surprise, when it was stated that the

catholics could not accede to them, and that the bishops who signed these resolutions had been terrified by the Irish government of the day into an acquiescence in measures, which they afterwards, upon reflection, disapproved. A statement so ridiculous upon the face of it, and so utterly destitute of truth, never could have been countenanced by any one of the respectable individuals who signed those resolutions. I never perceived the slightest repugnance on their part to the measure, nor any doubt of its being consistent with the principles of their religion, to give to the crown a negative upon the appointment of their bishops.

"The *veto* was never considered as carrying with it any direct controul over the appointment of bishops; the wish for any such power was distinctly disclaimed, it being that power of all others which government would have been most unwilling to charge itself with. Direct patronage was unnecessary to the purpose which they had in view,—the purpose of obtaining a security that no person should be invested with the functions of a Roman catholic bishop, of whose character, as a loyal man and good subject, the state was not previously satisfied; they knew that direct appointments by the state were likely to create unnecessary jealousy, and to deprive the individual chosen of the respect and confidence of those committed to his care. The persons with whom government communicated at the time perfectly understood, and did justice to the principles upon which they acted. It is due to the Roman catholic bishops, at the same time, to state, that government experienced, on their part, every facility in the inquiries they had to make; they furnished them freely, and without the appearance of distrust, with every information they required. They acknowledged that a moderate provision from the state, such as had been extended to the presbyterian clergy in Ireland, and to the Roman catholic clergy in Scotland, would contribute much to the comfort and respectability of their clergy; yet they always displayed an unaffected and disinterested reluctance to receive exclusive benefits, which might have the appearance of separating their interests from those of the laity, and thereby impair their means of discharging with effect their sacred functions.

"Those who have studied the public temper in Ireland, can best appreciate how salutary would have been the effects of such an arrangement; how much the protestants would have been conciliated and satisfied, if the government were intrusted with the means of excluding dangerous men from the exercise of such important powers; and how much the Roman catholic clergy might be improved, if they grew up in such communication with the state under which they lived, as to feel that it was not less their interest than their duty to maintain at all times a reputation for loyalty and fidelity. Its benefits would not have terminated there: in times of public tumult and popular delusion, the Roman catholic clergy would feel, that they had at least something on which they might subsist, without being compelled to flatter the passions of their misguided flock, till the period of intemperance had passed away, and might thus be enabled, with a firmer and bolder step, to tread in the path of their duty.

"The Roman catholic clergy must be too well versed in the history of mankind, not to feel and to allow

that, so long as spiritual authority is exercised by men, it is prone to mix itself in temporal concerns, more especially in matters which may be considered as affecting the interests of the church itself; and that the times may return when the power and influence of the see of Rome, if not restrained by wholesome regulations, (a supposition not extravagant, when the visible head of the catholic church is a prisoner, and consequently an instrument in the hands of the enemy,) may be turned against the temporal interests and security of the state. Why is the British government alone, of all the powers of Europe, to remain exposed to a danger, against which it has been the invariable policy of all other states, Roman catholic as well as protestant, to provide? Why should Spain, the country perhaps, of all others in Europe, least disposed either to heresy or schism, have sedulously excluded the see of Rome from any intercourse with their church, except through the state? Why did Austria? Why did France, unless they were satisfied that such a power, if secretly exercised over the clergy, passing by the state, might, and must be abused? If Roman catholic states have not thought it safe to rely upon the mere security of oaths, and if they have deemed it essential to their safety to fence themselves round with additional safeguards, and even to exclude the direct power of the see of Rome from operating within their dominions in concerns not purely appertaining to faith and doctrine; can the Roman catholics of these dominions complain, if the protestant state of this realm should regard that foreign power with similar sentiments of fair and justifiable jealousy, and insist upon corresponding measures of security and precaution? Are the Roman catholics of Ireland entitled to impute to their own government views either illiberal or unwise, when they demand securities from them not greater than states purely Roman catholic in their structure have required? Shall it be imputed as a demand unreasonable on the part of the crown of Great Britain, not actually to nominate, but to have the power of excluding persons from the exercise of the episcopal functions, in whose loyalty his majesty cannot confide? Does it become the Irish Roman catholics to raise difficulties on this head? They ought to recollect, that their church, being a strictly papal church, peculiarly warrants the state in such a demand. The Roman catholic church of Ireland never has vindicated its own liberties against the see of Rome; it has no *concordat*, it has no domestic rights expressly secured. The pope has, on many occasions, rejected the recommendations of their bishops to vacant sees, and substituted direct nominations from himself in their room. Founding their discipline and church government principally on the canons of the Council of Trent, a council which pointedly saved to the see of Rome all its rights and privileges, in the most extended and objectionable sense, and which has never been acknowledged in points of discipline by the Gallican and other free churches, the Irish church is at this day one of the most dependent in Europe, and that in which the power of the pope has the most unqualified sway.

"Do they mean to describe themselves as such separatists from the whole body of the Roman catholics in Europe, that, consistently with the principles of their religion, they cannot enter into any connection with the state under which they live? If

such pretensions are persevered in, the inference must be, not that the Roman catholic religion itself is the obstacle, but that the belief and practice of it, at this day prevalent in Ireland, is the impediment. Are the Roman catholics prepared for such an avowal? If they are, they must wait till better notions prevail on their part, before they can hope to urge their claims with any prospect of success."

Lord Castlereagh then proceeded to show, that such a modified endowment of the clergy of a dissenting community was compatible with the preservation of the established church in all its rights and privileges. "This had been done to the Roman catholic clergy of Scotland no longer ago than in 1796; and the late pope had expressed his grateful acknowledgments for this extension of royal benevolence. The episcopal church of Scotland was endowed by the state, without prejudice to the established presbyterian religion; and in Ireland, the presbyterian clergy had long enjoyed such an endowment. A system like this, he contended, was calculated to strengthen the established church, by tranquillizing Ireland, and placing the clergy of the most numerous sect in a more friendly relation to the state. These were his opinions, and they had been those of Mr Pitt. The government which had effected the Union gave the most unequivocal proof of its sincerity, in retiring from administration at a moment when they enjoyed, in the highest degree, the confidence of their sovereign and of the country. If they found greater impediments than they expected,—much greater than they could overcome, to the accomplishment of their views, no fair man could impute to them, on that account, that they did not discharge their public duty honestly, boldly, and disinterestedly; and if, after they had given this decisive and unequivocal proof of the designs they had formed for consolidating all the advantages of the Union, they were conscientiously satisfied, from what then passed, that the measure could not be pressed with advantage, it became them to recollect, that this was not the only question in which the interests of the empire were involved, and to feel that duty commanded them no longer to refuse their services to their sovereign, when his majesty condescended to require them."

Lord Castlereagh concluded by repeating, "that no advantage could result from going into a committee, whilst its successful accomplishment remained, in his opinion, impossible. How much more hopeless had it become at the present moment, when, in addition to all the former impediments to success, obstacles the most serious, and to him the most unexpected, had been raised by the Roman catholics themselves. It never had been any part of his purpose to force the protestant mind upon the subject. Time, and a due disposition evinced on the part of the Roman catholics to connect themselves with the state, might create favourable impressions, the growth of which, retrocessions of sentiment, such as those lately witnessed, could not fail to check and to destroy. For what purpose go into a committee, when no person has any plan to propose; when the Roman catholics are neither prepared nor enabled to comply with what is allowed even by Mr Grattan, who moves the committee, to be an essential preliminary? But there were other insuperable bars at present to its accomplishment; the public mind

was not ripe for the measure, the indisposition was too general and too strong, and he much doubted the policy of having exposed a question of this nature to successive defeats, by bringing it forward under such circumstances."

Had there been no other obstacles to the concessions which were demanded by the advocates of the Irish catholics, than what the conduct of the catholic clergy respecting the *veto* occasioned, that obstacle alone was insuperable; and the manner in which the facts were stated, not only by Lord Castlereagh, but by Mr Grattan and Sir J. C. Hippesley themselves, sufficed to prove this. General M. Matthew, however, taking the opinions of these two members, and putting their statement of the facts conveniently out of sight, gave it as his opinion, that they had left little for him, or for any one else to say on the subject. Then, led away by the recollection of those times which were equally disgraceful to both parties, and which not only the love we bear our country, but the respect we bear to human nature, would make us wish, if it were possible, to blot out of human history, he entered upon a most imprudent and inflammatory strain. "Let it not," said he, "be supposed that I am exaggerating while I state the cruelties exercised by this country towards Ireland in the year 1798, for of that which I shall state, I was myself an eye witness. I saw, in the city of Dublin and other parts of Ireland, scenes which will excite horror even in the very recital; and what must they be to those who saw them?—what, indeed, to those who felt them?—I saw honest men dragged from their families and thrown into prisons, without proof or trial, in contempt of that boasted pillar of the constitution, Magna Charta, which provides, 'That no person shall be imprisoned except by the judgement of his peers, or the law of the land." I did also see honest and industrious men seized by military force, stripped and tied up to triangles or halberts, and contrary to all laws, human and divine, barbarously whipt, flogged, tortured, or half hanged, and infamously forced to confess crimes of which they were innocent, and which they confessed merely because unable to endure more pain; and this in contempt and defiance of the Bill of Rights, which says, 'No torture nor cruelty shall be exercised towards a British subject.' I did see men, in hundreds, insulted beyond endurance, and lying in ditches in a dying state, after their houses had been burnt, and their little property reduced to ashes; their wives or sisters ravished before their faces, and some of their daughters, children of ten years of age, barbarously and inhumanly defiled by a rabble rout of English fencibles and German mercenaries. All these horrors took place in Ireland in the year 1798, during the administration of that worst of all lord-lieutenants, Lord Camden. When Mr Pitt saw the effects of this diabolical system, he saw clearly that no good whatever could result from it; the system of torture was abandoned, mercy was resumed, Lord Camden was withdrawn, Lord Cornwallis was sent in his place, conciliation was tried, and tranquillity instantly followed.

"Happy the people were at this change for a while: happy they might have continued; but the amnesty was shortly afterwards broken by the government party. And would any man wonder, after this, if the people of Ireland should be roused

to revenge? Was there not cause enough for resentment and vengeance in the cold-blooded murders of their fathers, mothers, and brothers? In the pollution and defilement of their wives, their sisters, and their daughters? And yet, notwithstanding the butchery of 40,000 of them in that year, the people of Ireland remained true to their allegiance. After this statement of facts, will any man in his senses come forward and tell us that such men are not to be trusted, and are unfit to be admitted to our glorious constitution? Is it not madness to refuse to four millions of his majesty's loyal subjects, men, of whom one half of your army and navy are composed, men, without whom you cannot man that navy or recruit that army, the enjoyment of those privileges enjoyed by their countrymen of a different religion? I call upon you, in the name of God, and of my country, for the emancipation of these my brave and loyal countrymen! the salvation of this country depends upon it; and the refusal must tend to the subversion of this empire. For, in case of an invasion, what have you to look to? So soon as that man, who has humbled the rest of continental Europe, shall have finished the conquest of Spain, he will have all the ports of Europe in his power, wherein he can prepare and man his fleets in spite of your blockading system; and they may sail from ports so convenient to the Irish shores, that no man can foretel the moment in which they may come upon you. Be not too confident of your strength, if the enemy should land in Ireland, when your conduct shall have disgusted and exasperated that people. They have an immense population fit to take arms, and ready to be brought forward. Ireland was ready to bring into the field 300,000 fighting men equipped for service; they could reinforce that army in six weeks by a levy of 60,000 more; and they never required from France, nor would they accept, though offered, a greater auxiliary force than 10,000 men, and 40,000 stands of arms. What would, then, be the fate of this country in case of an invasion, with Ireland in hostility? You would then see Irish force and Irish discontent united against you, and a large French fleet manned with Irish sailors, to dispute with you the sovereignty of the sea; by such a change Ireland would have every thing to gain, and nothing to lose. The Irish would form a government of their own. They would abolish penal laws: they would abolish tithes, and not pay one fifth of the taxes they do at present. They would save to home expenditure the whole of those rents paid to the absentee proprietors of landed estates; a perpetual drain of the wealth of the country, no part of which ever returns to replenish its resources. They would get rid of 60 millions of your public debt. They would get rid of your establishment in church and state, and of your lord-lieutenant, whose office ought to have been abolished at the Union, which would have saved to the country 180,000l. a-year. And if, by your oppression, they should be driven to a separation, you could never afterwards be able to subdue them; for you could never, at any one time, send 100,000 men into Ireland, deprived of the aid which Ireland gives in the recruiting your army; and what chance would you have even with such a force in the heart of the country, able to muster, at 48 hours notice, 300,000 men, and to re-inforce them by 50,000 recruits per month, for six months? That

country wants nothing from you,—it owes you nothing in point of gratitude. In 48 hours they could effect their purpose. They could seize on your fortresses, and secure, as hostages, all the members of your government there. The practicability of all I have stated was proved before the secret committee of the Irish parliament by four leading persons,—you may call them traitors if you will; but nobody will accuse them of not knowing the resources of the country. I know the situation of Ireland as well as any man in this country. I have in that country, and from that country, knowledge of certain matters which no other man in this house possesses but one, and he does not make use of his knowledge. For the last sixteen years I have made it my business to understand the affairs of Ireland; and I know what I say, when I tell you they can bring into the field 300,000 men fit for military operations, and that they could in six weeks replace a loss of 60,000 of them; for this is a calculation deliberately made."

General Mathew grew calmer in the course of his speech. "There existed at this time," he said, "a powerful party in Ireland, attached to the true interests of that country, and daily increasing in strength. The interests of that country were the interests of this. Complete emancipation was all that was wanting to render the British empire invulnerable. If the king's coronation oath stood in the way, parliament ought to repeal it, and frame a new one, more conformable to the times. He himself saw no possible objection to the domestic appointment of catholic bishops, and the catholic clergy of Tipperary had passed resolutions in favour of it. Nevertheless, whether he were right or wrong, his judgement was not considerable enough to be put in competition with that of four millions of people, who knew their own interests, and the principles of their faith infinitely better than he could do. They had decided that point for themselves; whatever they decided he should always support, and he would give his unqualified vote for catholic emancipation, whether they allowed the *veto* to the sovereign or not."

General M. Mathew had told the ministers what they had to fear from the Irish; the Hon. W. Lambe and Mr Ponsonby drew portraits not less terrific of Buonaparte. "Is he not," said Mr Ponsonby, "one of those extraordinary men whom Providence creates to bring about those great and extraordinary revolutions, which in two or three thousand years are produced, and totally change the moral and political state of the world? Is he not unparalleled in the history of the world, both as a military man and a general statesman? I say he is the greatest man that has ever appeared on the face of the earth, in the strength of his faculties, and the energies of his mind." "His actions," said Mr Lambe, "scarcely resemble those of human conquerors;—however we may abhor his atrocities, it is impossible not to look upon his character with something of a superstitious awe and veneration." Lord Jocelyn, who spoke against the committee, said, "that the true cause of the discontented state of Ireland was to be found in the perpetual absence of the great land-holders; and that till they were taught to reside occasionally among their tenantry, to encourage their industry, inspire them with confidence, influence their manners and morals by example, and teach them a due submission to the laws, it

would be in vain to look for tranquillity in Ireland;—no catholic emancipation would ever effect it. Every man who has travelled over that country must have marked on the very face of it the contrast between the high state of cultivation, improvement, and tranquillity which reigns in the estates of the resident landholders, and the wretched appearance of those estates where the owners are absentees, and the tenants are delivered over to the disposal of mercenary agents. This was the true cause of the evil, and the speculative grievances which were complained of had nothing to do with the real source of discontent." Mr Ponsonby replied, "that if Lord Jocelyn thought resident landlords were necessary to the prosperity of Ireland, he must try his hand at repealing the Union; for the natural effect and object of the Union was to draw the great proprietors out of Ireland. If that," he continued, "cannot be done, I trust those concessions will be made which will have the effect of satisfying the people of that country; but the truth is, that Ireland never obtained any considerable advantages, except at the moment of England's embarrassments. That is the melancholy and deplorable truth. If you go on refusing every thing to the people of Ireland, depend upon it they will say, that the Union has made them worse than they were, and that what you refuse they would have obtained from their own parliament—their own parliament must have relieved them from their oppressions. If you persevere in resisting their just pretensions, depend upon it they will think of more dangerous means of enforcing their claims, and the ability and inclination of the emperor of the French will not long leave them without that assistance and co-operation they may require. Are you aware of what would be the certain consequence of their resorting to such dangerous assistance? Never will you be able to secure Ireland by continuing the conduct which you have hitherto pursued; and be assured, if you proceed in that course, that either during his majesty's life, or in the reign of his successor, there will be a convulsion in that unhappy country, which will either place it in the power of the enemy, or make it a frightful scene of bloodshed, devastation, and ruin."

The former part of Mr Ponsonby's speech was employed in detailing to the house what had formerly past between him and Dr Milner, when Dr Milner authorised him to state that the catholics were willing to give up the *veto*. Mr Perceval, reprehending the spirit in which Mr Ponsonby had spoken, expressed his sincere satisfaction that that gentleman and Mr Grattan had so completely cleared themselves from the suspicion of having held out fallacious motives to the house. "The case," said he, "will now stand clear with the public. But I cannot forbear trusting, that from the whole of this strange transaction we shall learn a useful lesson, and that in future we shall not depend too much upon the accuracy of the advocates for the concessions, as to the judgement they may form of the opinions and feelings of the catholics upon this subject. We now know with what feelings we are to receive any representations coming from that quarter. It is unnecessary," said Mr Perceval, "to do more at present than meet the arguments of the mover of this question upon the ground which he has chosen. He has himself declared, that either the *veto* or the domestic nomination are

indispensable before the concession can be granted. That the *veto* would be objected to, we know: that any equivalent arrangement would be acceded to, we have no reason to believe. But suppose such an arrangement were agreed to, it supposes a contract to which the government of this country, the Roman catholics of Ireland, and the pope, must all be parties. Now the pope may refuse his sanction, Buonaparte may compel him to refuse it, or the catholics may change their mind; and you cannot punish them for non-performance, without justly incurring the charge of intolerance. Should the present race of catholics make the concession, how can they bind the religious scruples of their children?

"What would be our situation, if, after all the disabilities of which the catholics complain had been removed, on the supposition that certain concessions on their part would be perpetual, the sons of those catholics should refuse to abide by what was stipulated for them? nay, if the persons themselves who had conceded them should repent of their concession? We could not punish them for withdrawing their consent; and if we did, we should be justly accused of interfering in a matter of religion and conscience with the hand of power. The right honourable gentleman argues, and for aught I know may argue correctly, that the veto is consistent with the Roman catholic religion; but who is to be the judge of the validity of that argument? In such a case, none can be competent judges but the catholics themselves; and if they declare that they cannot conscientiously grant such a power, it is just as intolerant to require them to grant it, as to insist on their taking the oath of supremacy. Suppose, after such a concession on their parts, persons assumed the episcopal character, functions, and authority, without complying with these terms, and the Roman catholics acknowledged their authority, how would you prevent them? Suppose they asserted it to be an article of faith, of religion, not to suffer a protestant to interfere in the election or nomination of their bishops, would you prosecute them? would you punish them for this article of their faith? would you? where then would be your toleration? yet without this, what is the validity of your agreement?

"Besides, too, is such an arrangement practicable? how is the consent of the pope to be obtained? how are we to procure access to him? And even if it were possible to obtain his ratification while he remains a prisoner, if Buonaparte were to consent that he should give it, without which consent I conclude no man is so idle to suppose the pope could give it, might he not when at large retract his former act, and plead in justification his former situation? Let us not then be amused with a project, the nature of which it is not attempted to explain, and the execution of which borders upon impossibility. Surely this is enough to show that the honourable mover, upon his own principles, ought to oppose his own motion; for the result of a committee upon these petitions must be to excite expectations which cannot possibly be gratified, and to leave the public mind in a state much worse than that in which it was found. That right honourable gentleman has one objection to concession; I have two: and though I think his a serious one, and one which his proposed remedy would not cure, yet there is another, which, with a view to the tranquillity of Ire-

land, I think of much greater importance. I remain of the opinion that the catholics of Ireland are disposed to go farther than what they now demand as emancipation; that whatever they now profess, nay, whatever they now may feel, they will not, they cannot be satisfied with any thing short of the entire and exclusive establishment of their religion in Ireland. Nay, the better the Roman catholic, the more sincere he is in his faith; the more attached to his religion, the more impossible it is to suppose that he could be satisfied till he had obtained that establishment. But there are many whom even this would not satisfy,—who distinctly state that a repeal of the Union is necessary for the salvation of Ireland. This is the declared sentiment of many who are foremost among the catholics themselves, and such opinions every day issue from the press. What, therefore, are we to judge, but that emancipation is not the real object of the petitioners, and that nothing will satisfy them but a separation from this country? This, I trust, is far from the general sentiment; but the catholics of Ireland, as a general body, would never be contented unless with the full establishment of their church. I always argued the question in that way, and I do so now, quite fearless of the censures that may be cast by any one on my motives."

It might have been supposed that Mr Perceval, after such fair and irrefragable arguments so temperately delivered, could have no cause to anticipate censure; but he knew the temper of his opponents, and the sort of language which he expected was liberally poured upon him by Mr Whitbread. "Let not the house," said that gentleman, "be for a moment misled by the train of arguments of the Chancellor of the Exchequer. He may discuss the propriety of this or that restriction, but upon these questions he is not a man open to conviction, or whom any arrangement could satisfy. If the catholics were to lie prostrate at his feet, and to implore him to name his own terms, his answer must be, 'I can never be satisfied. I can propose no arrangements; I can accept no terms. You are men whom I cannot trust; I cannot believe you upon your oaths.' In what other language could the right honourable gentleman express himself, who must judge of the principles of other men by his own? for he has told you, that if, instead of being so truly orthodox as he is, he were a schismatic, he would ask for immunities chiefly for the sake of using them to overthrow the establishment from which the concession of them had been obtained; that he would not, that he ought not to be satisfied, until he had succeeded in demolishing the one church, and setting up the other on its ruins. With such a man it is idle to discuss arrangements; with his consent none will ever be carried practically into effect. It is not, however, my wish to quarrel with the religious doctrines of this man of intolerance, nor to waste the time of the house in exposing the weakness and bigotry of arguments which have been so often exposed and refuted."

This was a convenient mode of answering Mr Perceval's reasoning; and Mr Whitbread, leaving unnoticed all the difficulties which would precede concession, and all the dangers which would follow it, proceeded to the easier task of indulging in declamation and in personalities. "True it was," he said, "General M. Mathew had

recommended with great fervour the repeal of the Union. Ample allowance was due to the ardent feelings of a true-born Irishman; and who could blame his heated language, when it was recollected that he was an eye witness of the horrors of 1798, and that he sees in 1810 the minister of England, and the tools of that minister, use every topic of inflammation, and encourage every rancorous feeling, in discussing the claims of the catholics. I impute not this blame to the Duke of Richmond, nor to Lord Wellington while he was chief secretary, nor to his brother, who now fills the same office,—it lies at the door of the Chancellor of the Exchequer, who has thought it decent and fair to oppose every species of obstacle to the emancipation of the Irish catholics. But we must not argue from the warmth or even violence of any particular person, addressing a meeting or issuing a publication under the keen sense of suffering, and using intemperate language, to the feelings of the whole collective mass of catholics. We have had recent experience indeed, that one misguided, or misguiding man, may convulse the moral feelings of a whole country, and throw an obstacle in the way of a most beneficial national arrangement. Mr Perceval succeeded in so doing, and thereby obtained the reins of power; but let us hope that no intemperance corresponding with his own, on the part of those to whom he denies justice, will be permitted to defeat their object and further his."

Mr Whitbread next attacked Lord Castlereagh and Mr Canning. "The noble lord," said he, "has told us he conceives there are many arguments which might be successfully urged to convince the most obstinate enemies to the catholic claims of the propriety of granting them. We have seen him twice associated with ministers, the tenure of whose office was the exclusion of the catholics. I should be glad to know if he ever exerted his talents to convince the present Chancellor of the Exchequer of this his great political error, as it was his bounden duty to do, or whether he found him an unmalleable mass of bigotry? The noble lord has spoken in this debate more like a statesman than we ever heard him speak while he had any share in the conduct of the affairs of state. I congratulate the Irish on his emancipation, and I congratulate himself. I congratulate Mr Canning also, that he too is free to declare his sentiments, and act according to his feelings, upon a point of such transcendant importance. It is not unworthy of remark, that the two friends to the catholic claims, who joined the anti-catholic administration for their own reasons, have both relinquished their situations in consequence of the conduct of the one toward the other. We have no longer a cabinet composed of jarring opinions on this point,—it is one pure unadulterated lump of bigotry."

Then, as if the battle were to be won by shouting victory, Mr Whitbread exclaimed, "Repeated discussion drives bigotry from her strongholds. The cruel restrictions upon the catholics will be removed as mists are dispelled by the noon-day sun. The coronation oath used to be placed in the van of the battle against their claims; the coronation oath is abandoned: the false statements which were made respecting it, the false inferences which were drawn from them, have been so often and so fully exposed that it has become quite harmless,—its advocates are ashamed of it. Is not the desertion of the corona-

tion oath a step gained by the catholics? Is it not another great step gained, that the university of Oxford has elected Lord Grenville her chancellor?" Sir W Scott's declaration on the part of the University stood a little in the way of this assertion, and Mr Whitbread confessed that it gave him no small degree of mortification to see such a spirit of intolerance and cruelty in that ancient seat of learning. "Mr Grattan," he continued, "in his opening speech talked of the dungeons of theology, and the madhouse of casuistry. I am not versed in the voluminous writings which have encumbered and obscured the truths delivered to us in the gospel; but to me, as to all men, are open the writings of the Evangelists, wherein alone we can find the history of the transactions of the Divine Dispenser of our revelation; wherein alone are recorded the words which fell from his mouth. I do not there find any authority given to man to persecute his fellow man, because he does not accept the same interpretation with himself of all the mysteries of our religion. I do not there find that I have the right, however I may have the power, to deprive my neighbour of the free enjoyment of all the civil blessings of that community in which we live, because he takes the sacred symbolical words uttered by our Saviour in a sense more literal than I do. Religion is a matter of concernment to each individual man. No man, no collection of men, can impose a belief upon another. They can have no right then to deprive any man, or description of men, of their civil freedom, on account of their conscientious scruples. It has been said there is a natural connection between the church and state. That position I deny. That there ought to be an union between the state and a church establishment, I admit; but when the state unites with the church, she ought not to lend her strength to the church for the purpose of persecuting all who dissent from her tenets."

When Mr Whitbread talked thus of intolerance and persecution, did it never occur to him that these charges were rather more applicable to catholicism than to the framers and supporters of the Test Act? Had he forgotten that intolerance and persecution are the avowed principles and necessary duties of the Roman catholic church? Mr Canning, whom he had as it were called upon, shortly replied, and declared that he did not conceive himself pledged either for or against the claims of the catholics. "I do not," said he, "mean to deny or disguise my opinion, that it would be highly desirable, highly conducive to the strength and happiness of the empire, that all the clashing and conflicting interests of protestants and catholics should be reconciled. I think, moreover, that great as are the difficulties which now oppose such reconciliation, the time will most certainly come when its consummation will take place. But the present time I do not think ripe for its accomplishment. How indeed is it possible for any man so to consider it, when one of the two contending parties is at variance within itself? It is not a little extraordinary that protestants should be expected to be of one mind as to granting every thing to the catholics, when such a discordance of opinions reigns among the catholics themselves, as to the terms on which they would accept the grant. The opposition to the motion this night has been rested on the sole ground of the want of any ade

quate security, the absence of any definite suggestion on their part, in the room of that which was tendered ten years ago, and which has since been publicly withdrawn. I am sincerely glad that it was thus confined, abstaining from all those generalities respecting the nature of the catholic religion, which have given to former discussions on this subject so hostile and angry a character. And it is no less a satisfaction to me, that, on the other side, the question has not been argued on any abstract principle of right; a mode of argument which I should have felt myself obliged, as much as the most bigotted protestant, to resist.

"To maintain the claims of the catholics on such a ground, is in effect nothing less than to argue that there should be no national established religion at all: it is to argue against the policy of all nations, ancient or modern, with the political frame of which some system of religion, pure or corrupt, has invariably been associated and incorporated, to uphold and consecrate the civil establishments. Sir J. Newport alone has insisted upon this argument of right. If, as he insists, it is the right of the catholics to be admitted to all the privileges and immunities of the constitution, it is injustice, it is tyranny to withhold them. A state, then, has no right to maintain its established religion by any exclusive privileges; and if the catholics possess a right to be admitted to all privileges on the footing of the members of the established church, so do all the dissenters of every denomination. The necessary consequence of such doctrine would be the destruction of all national religion, as such, and the establishment of unlimited sectarianism in its room.

"To the present motion I object *in limine*, because, with all my professions of good will, with all my disavowal of hostility or suspicion toward the catholics, I cannot see what approach is likely to be made to adjustment by consenting to go into the committee. No security or engagement is offered on the part of the catholics; their very advocates are obliged to come forward with censure against them, for withdrawing that security which was formerly proposed to parliament in their name. The suggestion of domestic nomination is not more easily attainable than the *veto*, and would be less efficacious if attained. At least, it would be necessary to adjourn this arrangement till the papal see should be once more free from the dominion of the ruler of France: till then we cannot form any arrangement, nor even then could we accept of any security short of the *veto* originally proposed. Such, at least, is, I confess, my present opinion; an opinion, however, which I shall be willing to reconsider, whenever the opportunity of reconsidering it to any practical purpose shall arrive. But that some such condition is absolutely necessary, no man will doubt, who thinks, as I do, that of any adjustment between the catholics and protestants, mutual concession and mutual conciliation must be the basis; that such an adjustment, in order to be permanent, in order to produce any of the fruits which are expected from it, must not be a victory to one party or the other; it must not be considered by one side as a successful struggle, nor as a forced concession to a rival by the other. That the time for this greatly to be desired adjustment is not yet arrived, is my clear and decided opinion. Some progress, I think, has been made;

many prejudices have been removed; and much of the asperity which attended the earlier discussions would have been done away entirely, had it not been for the unfortunate revocation by the catholics of their own voluntary tender of two years ago. It is not unreasonable, that, after such a retraction, a more mistrustful jealousy should be exercised, and a more settled and perfect security required, as to any subsequent offers of arrangement. Hence, in part, arises that indisposition which unquestionably exists in the public mind at present;—which exists not, as has been vainly supposed, in one quarter only in this country, a quarter to which it is as unjust as it is unconstitutional to refer, as opposing the only obstacle to the settlement of this great question; but which is diffused widely amongst the different classes of the English community; so widely, that concession at this moment upon this point would have the effect of shaking the general confidence in the legislature."

This concluded the second night's debate upon the subject. On the third, Mr Hutchinson, the Marquis of Tavistock, Sir T. Turton, Col. Talbot, Mr Parnell, Sir Ralph Milbank, Mr Barham, Lord George Grenville, Mr Williams Wynn, Mr Peter Moore, and Mr Maurice Fitzgerald, spoke in favour of the catholic claims. "The Chancellor of the Exchequer," said the latter, "says he cannot grant the catholic people of Ireland the prayer of their petition. Then I ask him, is he prepared to disband the catholic soldiers and sailors, with which the army and navy of Great Britain are filled? I ask him, whether he means to discontinue their service, as men that are not to be trusted? I ask him, whether, in the state of this country, and the difficulties with which it is surrounded, he can man an army without the aid of the Roman catholics of Ireland?—The enemy, strong as he is in war, formidable as he is in policy, invincible as he is by the military means with which he threatens this country, becomes more formidable by his own internal regulations. It must be to him extremely gratifying, in the midst of conscious power, to reflect, that in his decrees liberty of conscience forms the most prominent boon to his subjects. He has declared, that no religious sects shall be injured or molested in the pursuit of their doctrines who swear allegiance to the state. While he is pursuing a system which conciliates, a system which conquers for him beforehand, when he says I am not satisfied with toleration, but the Calvinistic religion shall be established, he does an act of wisdom worthy of his great mind; he sets an example to the ministers of this country, from which they ought to take warning. But they refuse every measure of conciliation. Every act of concession that has been extended toward unhappy Ireland has been drawn, not from their repentance, not from their affection, but from their terror, and the pressing calls of necessity. Ireland has suffered for centuries under a tyranny from which she has now sense enough to rescue herself,—and let me tell you she can rescue herself."

Mr O'Hara, Mr Bernard, and Mr M'Naughton, temperately and ably pointed out the want of logic in the arguments of the emancipators, and the want of truth in their charges of intolerance. The solicitor-general, Sir T. Plomer, spoke more at length. "We are exhorted," said he, "to place confidence in the Irish catholics, and make an unconditional

grant of all they require. Have then any circumstances taken place to justify such confidence on the subject? Has Mr Grattan become an advocate for it from any recent experience of his own? Has he discovered, that on this subject men may be peculiarly trusted without any positive compact, from the sincerity and good faith which they have been found to observe in all their communications respecting it? Has not the direct contrary most lamentably and disgracefully appeared? Has he not been himself the dupe of this confidence? Have not his own honour and veracity been called in question by it? What was the degrading narrative, which occupied a great part of the speech in which this confidence is recommended to us? A series of the most shameful and barefaced duplicity and falsehood, practised by the deputed agent of the persons to whom we are to give this novel and extraordinary confidence, described equally to the entire vindication of his own honour and good faith, and to the shame and confusion of those with whom he had to communicate. Yet was Dr Milner a man standing high in character and rank amongst the catholics, and on that account selected as their agent. Yet was he dignified with the appointment of a catholic bishop *in partibus*, and of vicar apostolic by the see of Rome; and, as the delegate of the catholics, was placed in a situation of peculiar responsibility and trust. Notwithstanding all this, how was every honourable tie and principle disregarded and broken! When this reverend doctor authorised the proposition of a *veto*, it is probable that he was himself deceived into a belief that it would be ratified and approved by the catholic hierarchy, and a great majority of the Roman catholics in Ireland; for I cannot suppose he had the baseness to hold it out solely for purposes of deception. But when he found the catholic voice in Ireland loud and general against this innovation in their church, he endeavoured to shrink from this responsibility himself, and place it with those who had been deceived by a reliance on his representations. Is it possible to state a stronger instance, to shew the folly and danger of personal confidence in matters of this nature? Repeated asseverations, and even written engagements, are found to have no binding obligation or weight. Distinctions are made between a solemn and a serious promise,—and even the most grave and venerable characters do not scruple to fly from their words, and falsify their most deliberate declarations.

"But even if confidence could be received as a justifiable rule of action in a measure of great national concern, the catholics of Ireland have now wholly precluded it by their own express, deliberate, and public declaration, not to accede to any the slightest of the terms which have been proposed. Their resolution is fixed and unalterable. They have publicly pledged themselves to the firm and unshaken observance of it, and nothing will induce them to depart from it. Yet, under these circumstances, Mr Grattan recommends confidence, and recommends a measure still more wild and extravagant, if possible, than the principle on which it is founded! Trust to them, he says, and give them all they ask; this is the only plan by which the harmony, the union and safety of the empire can be effectuated. All that they ask? Can any one define what that is, or to what extent it goes? Immunity from all penalties and restraints they have al-

ready acquired; access to some of the franchises and power of the state has also been given; and the rest are open on the same terms as they are granted or acquired by any other subject. To grant a full participation of political power to those who refuse to acknowledge the *plenum dominium*, the entire sovereignty of the state, would be contrary to the policy and practice of all ages and nations; nor would this place them on the same, but on a different and a better footing than the rest of his majesty's subjects. But how is this claim to be complied with, in respect to the religious establishment of the country? Is there to be no longer any preference or distinction in favour of the protestant church in Ireland? Is the Roman catholic hierarchy to be immediately put on the same footing? to have the same episcopal and other dignities, with precisely the same rank and dignity, the same emoluments and rights, the same power, privileges, and authority? Are the tithes of Roman catholics to be withdrawn from the protestant, and transferred to the support of the Roman catholic church? And are the two rival establishments to be formed in Ireland in all respects on the same footing? If they are not, if all these things and more are not done, the Roman catholics will still say they are not entirely placed on the same footing as the rest of his majesty's subjects; and if they are, would these be the arrangements which are considered by Lord Grenville to be necessary to make 'due provision for the inviolable maintainance of the religious and civil establishments of this united kingdom?' That such innovations must be productive of effects directly the contrary, is too evident to require discussion. New and augmented sources of civil discord, discontent, and danger to the state, will not fail to be created by a new parliamentary grant on this head, whether it fall short of what is required, and introduce new restrictions and qualifications, or whether it goes the full length of erecting an absolute, unqualified, and universal equality of jurisdiction, emolument, and power.

"The Roman catholics do not pretend to circumscribe and limit their demands. Those demands have been publicly announced by one * of their own communion, who is said to speak the sentiments, and to possess the confidence, of a considerable number of the catholic body. 'Emancipation,' he says, in his letter to Lord Grenville, "if an isolated measure, must be undesirable both to England and Ireland. To satisfy the people of Ireland, there must be means adopted which the poor man will feel in his cabin; there must be a change, not merely of men, but of the total system of government. Depend upon it, you will only tamper with the tranquillity of Ireland, if you go on discussing your extensive and complicated arrangements. You had better turn your mind to arrangements at once extensive and simple. It is time to lay the axe to the root of the evil. If your purpose be to save Ireland to the empire, let her experience an eternal divorce between religion and politics, including the abolition of tithes, and the suppression of every species of public plunder upon pious pretences. Let her see her corporate bodies, including the universities, annulled; for they are all organized accomplices of old errors, and of old

* Mr Keogh.

vices, against every moral, political, or physical improvement. Let her peasantry be freed from the pressure of rackrent, not by inoperative statutes, but by bringing into market fewer bidders for more arable land, by discouraging her grazing, and by encouraging her domestic manufactures. Let the progressive accumulation of her taxes be terminated. Their amount, indeed, must remain enormous, to pay the interest of her debt; for alas! the money is squandered. But if the series of robbery, from the tax-gatherer to the exchequer, both inclusive, were guarded against, and if the immense misapplied revenues of the intrusive church, and of the corporate bodies, were resumed by the nation, Ireland might wage a war which would last to the end of the world.' But if such ideas at all prevail in the country, it is in vain to look for tranquillity and content from any grants which it is in the power of parliament to make. The cry of grievances unredressed, will never cease so long as the protestant establishment continues to be maintained, and the union between England and Ireland to be preserved.

"But suppose, as Mr Grattan advises, the unconditional concession was made, trusting to the generosity of the catholics for those arrangements which he admits to be necessary, and the catholics should persevere in their determination to admit of no change in their ecclesiastical discipline, even though Cardinal Fesch, or any other instrument of Buonaparte, should be made pope; what would he then propose to protect the empire from the alarming danger, to which the advocates for concession have themselves admitted that both church and state would infallibly be exposed? Would he be content to leave the empire exposed to all that danger, without even then resorting to any measure of security? If not, what would that measure be? and which of the only alternatives that would then be left to us would he recommend to be adopted? Would he propose that parliament should resume the grant so improvidently made, and restore things to the state in which they were when this rash experiment was made; or would he, by a new infliction of legislative penalties and restraints, enforce the observance of the arrangements deemed necessary for the public safety? In either case, he must be sensible at how great a distance he would place the attainment of any of the great national objects which he has in view, the happiness, the tranquillity, or the safety of the united empire? It cannot be necessary to dwell longer on the bad policy and mischief, in every point of view, of the right honourable gentleman's proposition. I have already detained the house too long in the exposal of it. The right honourable gentleman must, I presume, have been induced to resort to it, not as in itself an advisable measure, but because, if something must be done towards the Roman catholics of Ireland, this is an experiment, the only one which, in their present temper and disposition, could be tried, after the language and conduct which they had held respecting the proposal of the *veto*."

The discussion was concluded by Mr Grattan, who, because his opponents, forbearing from the general principle of the question, had rested their opposition upon the very ground of the emancipators themselves, reasoned from this silence, as if the objection to the principle was given up,

"The principle," he said, "is generally acceded to; the catholic religion is acquitted; it is allowed that there is nothing either in the composition of the Irish, or of their religion, that bars their capacitation; the only thing required is precaution against dangerous influence in the nomination of the clergy, and that precaution the resolutions of their bishops bespeak. They declare they are ready to give you every security which is consistent with the integrity of their church and their religion. What then becomes of the argument which says the parties cannot agree? The minister, however, having supposed domestic nomination impossible, corrects the danger. How? by disqualifying the laity; but as long as you disqualify the laity, you separate them from England. What then is to be our situation, according to the doctrine of the right honourable gentleman? A clergy connected with France, and a laity separated from England. You think it better to have French bishops in Ireland, than Irish catholics in parliament; this is a situation defended on account of its safety; a situation, in fact, of the greatest peril, where the cure aggravates the disorder, where you correct an eventual communication with France, by a separation from England. To shew the better the nature of such a situation, I shall propose to the gentlemen opposing the motion to lay before them the map of Europe, and let them be the arbiters of their own argument. There is Ireland, here England, and there France; the object must be to connect the catholics of Ireland with England, and keep them separate from France. To accomplish this, I shall present to those gentlemen two lines, one of communication, and the other of separation. How will they apply them? will they draw the line of communication between France and Ireland, and of separation between Ireland and Great Britain;—ecclesiastical communication between the Irish catholics and France, and political separation between the Irish catholics and Great Britain? If they draw the lines in that manner, they give up the empire; and if they do not, they renounce their argument."

After this protracted discussion, the question was put to the vote; 109 voted with Mr Grattan, 213 against him. The situation of those members who represent the catholic part of Ireland is worthy of remark. They must vote for all catholic claims, or else they lose their seats; and if they should succeed in carrying those claims, then they are sure to be displaced, to make room for catholic representatives; so that they are protected in their seats by those who vote against them,—a whimsical consequence of granting catholic freeholders a right to vote. In the Upper House the Earl of Donoughmore presented the petition; the same ground was gone over, and the same decision adopted, by a majority of 154 to 68. *June* 6.

It is one of the evils produced by agitating this most mischievous question, that it distracts the attention of both nations from the real grievances under which Ireland suffers, and that it prevents the Irish from feeling and acknowledging the benefits which they have received, and perceiving that it is as much the wish as the interest of the government, by every practicable means, to improve the state of Ireland. The grievances which are redressed, the benefits which are conferred, the disposition to confidence which is shown by the government,

are passed over as silently as the known and avowed intentions of the disaffected part of the Irish people. During this very session the prison laws of Ireland were repealed and others enacted, for the sake of remedying evils which, Mr W. Pole said, were shocking to humanity. Mr W. Pole moved also for the repeal of the Irish insurrection act, which had never been enforced during the governments of the Dukes of Bedford and Richmond; "Instances had occurred," he said, "during that time, in which applications had been made by several gentlemen to put the act in force, and proclaim it in different parts of the country in which disturbances had existed; but government had always resisted those applications; they had caused investigation to be made, and had found that they could restore and maintain public tranquillity without having recourse to this act. And now it was with the most sincere pleasure they felt themselves justified in declaring, that the continuance of the act was no longer necessary. Many representations had certainly been made to the Irish government upon this subject from loyal and well-disposed persons, who thought it was running a great risk to repeal this act; but such was the improvement in civilization which had taken place, that they felt they could proceed without it; and no lover of the constitution could wish to see such a law upon the statute-book, unless the circumstances of the times rendered it indispensable. It would, however, be advisable to render permanent those provisions of the act which punished the taking and the administering of unlawful oaths, and those also for protecting witnesses and magistrates, which ought, perhaps, to have formed a separate act. According to these provisions, if any person gave information and should be murdered before the trial came on, the information should be received as evidence on the trial; or if a person so giving information was secreted before the trial and kept out of the way, and it should appear upon inquiry that he was secreted by the person accused, then his information might be used in the same way. Powers were also given to the grand juries to levy a sum of money to be paid to the representative of any witness or magistrate murdered under such circumstances. These provisions it was proposed to re-enact.

May 30.

"There was another act also," Mr W. Pole said, "which was brought in at the same time, and to which he must call the attention of the house. He believed every person would admit, that the provisions for registering arms, and the power of searching for them, should exist somewhere. By the act, as it now stood, any two magistrates might, upon suspicion, search the house of any individual for arms at any hour; and one magistrate might, upon information, search in the same manner, or delegate power to another person to make the search. Such powers, which might become the source of much vexation and individual hardship, ought not to exist, if the object for which they were enacted could be attained without resorting to such means. He proposed that no magistrate should have the power to search except upon information on oath, or in case they had such ground of suspicion as might make it desirable to search a district for arms, and in that case they should send their information to government; and then, if the search were deemed necessary,

the lord-lieutenant should send a warrant authorizing and directing it. There was, indeed, to this regulation the obvious objection, that, by the delay which it must occasion, the opportunity of preventing the mischief might be lost. But he was convinced the advantages which would result from showing the people that government was determined to give them as much liberty as possible, consistent with those precautions, which were necessary for the general safety, would more than counterbalance any evil that might result. There was another part of the insurrection act which he proposed likewise to alter. By that act, if any person, conceiving himself injured by the act of a magistrate, should apply to the law for redress, and the jury should give a verdict in his favour, the judge had the power of declaring, (if the facts of the case appeared to him to warrant him in so doing,) that the magistrate had a justifiable cause for what he had done; and in that case the person suing, although the jury had found in his favour, was only entitled to sixpence damages and no costs. But if the jury should find in favour of the magistrate, he was entitled to treble costs. This clause was, he had no doubt, very necessary when it was enacted; but as the necessity of it did not appear to him any longer to exist, he should propose to repeal it, and in future to place both parties on an equal footing. In the present improved state of the country, he did not think it required such strong measures for the protection of magistrates."

The only other business of the session respecting Ireland, was a vote for adding 10,000l. to the salary of the lord-lieutenant; the 20,000l., at which it was fixed in 1788, being found altogether inadequate to support the dignity of that important station. It was objected to by Sir J. Newport, Mr Martin, Mr Littleton, Mr Parnell, and Mr Bankes. Mr Tighe said, he saw no reason why the civil government of Ireland should cost ten times more than that of Scotland, nor why the farce of a vice-regal court should be kept up in Dublin. Mr Grattan did not think the proposed increase was too much, but he thought the bare assertion of the minister ought not to induce parliament to burden Ireland with the additional charge. Mr Whitbread objected to it upon the same ground. Mr Tierney went farther, and declared he saw no necessity why a person serving the public in a high office should be enabled to live entirely independent of his private fortune. If the Duke of Richmond had spent 20,000l. a-year in Ireland of his own fortune, it was an expence which that fortune could well afford. His belief was, that the increase was not intended for the duke, but that his liberality and private virtues were mentioned to induce the house to vote this increased income, which was designed as a temptation to some other lord, with whom ministers were bargaining, to go over to Ireland as his successor. Such an insinuation was not worthy of being contradicted, and the vote passed by a majority of 95 to 51.

CHAP. VI.

Measures of Reform. Offices in Reversion. Sinecures. Remarks on the Economical Reformers. Mr Brand's Motion for Parliamentary Reform. Sir Samuel Romilly's Reform of the Criminal Law. Poor Clergy. Benchers of Lincoln's-Inn.

ONE of the first proceedings of the economical reformers during the session, was to renew their attack upon the practice of granting offices in reversion. Mr Bankes moved, that the act for suspending it should be made perpetual; and the sense of the house was so decidedly with him, that though Mr Perceval would rather have extended the duration of the act than have perpetuated it, it was carried unanimously. When the bill reached the Upper House it was again thrown out. Mr Bankes, therefore, finding, he said, that there was a determined principle to resist the measure, and that it had no chance of passing the lords, moved, as the only constitutional course which remained, an address to his majesty, as had been done on a former occasion, praying him not to make any such grant till six weeks after the next session. Mr Ryder, observing that the house should be cautious how it legislated for the country at large, except in cases of absolute necessity, proposed that they should pass a limited bill, which they had every reason to believe would meet with the concurrence of the peers. To this Mr Bankes assented; but this second bill was in like manner rejected by the lords, with a pertinacity, on the part of its opponents, not less injudicious in itself, than offensive to the public feeling.

Jan. 31.

March 6.

A kindred business was brought before the house by Mr Fuller, who moved for "leave to bring in a bill to abolish all sinecure places, and to reduce the exorbitant emoluments arising out of others to a standard equal to the service performed, after the lives of the present possessors;—and shame," he said, "upon England, if such a bill should be rejected! It would not, he hoped, be imagined, that he meant this as an attack upon the power and influence of the crown. No; he was glad to see the influence of the crown increasing in proportion as the national wealth of the country increased, when of course its morals got worse; but this was sufficiently done by the immense collection of our revenue. His attack was upon those avaricious members of the aristocracy, who think it their duty to lay hold of these sinecure places, in order to save them the expence of providing for their young-

Feb. 12.

er children, by paying them large sums out of the pockets and the sufferings of individuals,—a thing neither done nor thought of, he believed, by any other class of his majesty's subjects whatever. The sum total of these places, if he were not wrong in his calculation, amounted to 355,612 l. 2s. 7d.; so that if 55,000l., speaking in round numbers, were to be allotted to the payment of those places which there is a necessity of preserving, the public would, after the lives of the present possessors, be a gainer of 300,000l. He thought this measure would, instead of lessening the influence of the crown, give it still more strength, as it would enable it to reward those who really deserved rewards, instead of paying those who are idle. It was to the manly virtues of our gracious sovereign, to the courage and skill of Lord Nelson, and to the divine mind of Mr Pitt, that, in his opinion, we owed our present exalted character as a nation; and he should be sorry to see his benevolent sovereign, perhaps, compelled in his old age to do what Sir Robert Walpole was said in his last moments to have desired his physician to do for him; that is, to turn his head to the wall, that he might no longer look at the villainies, or the base political ingratitude of those he had formerly served, and that he might hide from his view the iniquity that prevailed."

Mr Fuller, however, withdrew his motion at the suggestion of Mr Bankes, who undertook, as a member of the finance committee, to bring the matter forward. Accordingly, when the report of that committee was under consideration, Mr Bankes moved a resolution, that it was expedient to abolish sinecures, except such as were connected with the personal service of his majesty or the royal family; and to reduce the salaries of such as were executed by deputy to the sum for which the service was performed, with an allowance for the additional responsibility;—all to be done after the present interest in these offices had expired. "It would be better," he said, "that services should be rewarded by direct pensions, instead of having what, in fact, were direct pensions, lurking under the name of offices. The granting of pensions would be notorious and unequivocal, and this very notoriety would prevent their being conferred in a profuse or glaringly improper manner; but there was no such security with regard to sinecure offices. Therefore, he thought the proper measure would be to abolish these offices altogether, and give his majesty the power of granting pensions to a limited amount, in lieu of the offices abolished; the power of giving the additional pension always commencing with the fall of the sinecure. This was necessary, in order to prevent the crown from having for a time double power; and without this caution it would not be a measure of economy in the first instance, but a measure of extravagance. The substitution would take away all objections to the abolition, while it would be more agreeable, not only to the country, but to such meritorious officers as were entitled to reward; for sinecures had fallen so much into disgrace, that a brand was fixed upon those who accepted them, and instead of conferring honours they attached a stigma, so much did the people revolt against them. He did not expect, that by any measure of this nature the clamour of certain persons could be satisfied; they were not to be satisfied by any thing which that

house could, or ought to concede. But whatever might be the conduct of the factious, the house would never lose sight of the propriety of consulting the wishes, and cultivating the good disposition of the sound and rational part of the community, who would materially be conciliated by the adoption of a measure so long and so unanimously called for."

Mr Martin supported the resolution. "One circumstance," he said, "struck him most forcibly, which was, that when a person of large hereditary fortune had done meritorious services, he ought not to expect the same degree of remuneration as a person who had dedicated his whole life, without any fortune of his own to support him, save only his own exertions and superior talents." Mr W. Smith spoke on the same side, and objected to sparing the offices attached to the crown and princes of the blood, saying, "that the dignity and honour of the crown would be more effectually consulted in attaching the affections of the people, than by pensioning twelve lords of the bed-chamber at 1000 l. a-year, who had votes in the other house, and generally voted one way." "There was a ferment abroad," Mr Bastard said; "the principle of retrenchment must be followed up in every department; and even if the house was not inclined to be honest from principle, the time was come when it should be so from necessity." Mr Wharton replied, "that the retrenchment of sinecures would not lessen the burthens of the people in any degree worth notice. The influence of the crown, instead of increasing, had in fact decreased; for though its patronage had doubled since the year 1782, the wealth of the nation since that time had increased in the proportion of five to one." "This sort of reasoning," Mr Whitbread made answer, "would suit a discussion upon the assize of bread much better than a debate upon the propriety of restricting these grants of the crown. The country had but one opinion respecting sinecures; and scarce a man out of that house could be found to defend them. They were not suited to the taste of the army or of the navy, but Mr Long had said they were fitted for the civil department; that was, for such efficient public servants as himself. One of the evils arising from such grants was, that they prevented the necessary increase of salary to the great offices of state. Thus when it was intended to give Mr Perceval the Chancellorship of the Duchy of Lancaster for life, it was contended in his favour that the salary of the Chancellor of the Exchequer was not a sufficient remuneration: It was however to be presumed, now that the same right honourable gentleman was also first Lord of the Treasury, that he would not condescend to take that of the duchy, and to receive the salaries of three offices." Here Mr Whitbread was informed that Mr Perceval did not receive the salary of Chancellor of the Exchequer. "This," he continued, "he had never heard before, and therefore it was not to be wondered at that he had made the mistake. But the option of such emoluments ought not to be left to any man, and sinecures ought to be abolished for their inherent impropriety, as well as for their lately incurred disgrace. To prove how grossly they were misapplied, it was enough to state that Mr Yorke had 2700 l. a-year, and Lord Wellington only received 2000 l. Thus it was that court favourites were rewarded

above even those whom the ministers themselves thought deserving of reward."

"As to the emoluments of Mr Yorke," Mr Perceval replied, "if it would afford the honourable gentleman any pleasure, he could inform him that Mr Yorke had, in consequence of holding the office of Teller of the Exchequer, relinquished the additional 2000 l. a-year, granted during the Grenville administration to Mr T. Grenville as first Lord of the Admiralty. The proposition before the house," he pursued, "was recommended as being economical, and as tending to diminish the prerogative: toward the latter object it would do little, toward the first nothing, and if sinecures were commuted for pensions, not a particle of the clamour which had been excited against them would abate; in fact, the same objections would apply in the same force." To this argument Lord Milton replied, "that a sinecure, when it became vacant, must be conferred anew, whether there was, or was not, a deserving person ready to receive it, but this was not the case with a pension. He should vote for the motion," he said, "because, though it was otherwise indifferent in itself, it was possible, by agreeing to it, to separate those who felt well-grounded discontent from those whom nothing would satisfy." Mr Bankes' resolution was negatived by a very small majority,—99 to 93. That gentleman was more successful *May* 31. on a subsequent trial, when Mr Davies Giddy reported from the committee of the whole house their resolutions on the report of the committee of public expenditure. The first, containing the truism, "that the utmost attention to economy in all the branches of public expenditure, which is consistent with the interests of the public service, is at all times a great and important duty," was carried unanimously. The second was, "that for this purpose, in addition to the useful and effective measures already taken by parliament for the abolition and regulation of various sinecure offices, and offices executed by deputy, it is expedient to extend the like principles of abolition, or regulation, to such other cases as may appear to require and admit of the same." Upon this Mr Bankes moved an amendment, to the same purport as the resolution which had before been lost.

"He was one of those," he said, "who opposed any motion for inquiring into the state of the representation, because he was convinced that the greater part of the respectable class of society, whose opinions were deserving of grave and serious attention, did not desire that such a question should be entered into: But there did exist in that part of society a real and sincere desire for every moderate and substantial reform which would not attack the frame and foundation of our constitution; and there never had been a time in which it was more necessary to draw a line of separation between these persons, and those who wished for no reform at all, but for the subversion of the constitution; for if the reasonable wishes and expectations of the moderate were opposed, they might be driven into an alliance with the designing and the desperate, whose intention was to destroy. It would be a dangerous opinion indeed to go abroad, that no sort of reform was to be expected from that house, constituted as it was at present. Moderate men knew and felt that there were abuses which ought to be redressed; as to

the others, nothing would be so disagreeable to them as to see any measure of reform adopted; their conduct was an unceasing endeavour to degrade and vilify the house, and that system would be defeated, if the house were to adopt wholesome and rational, but temperate measures. The abolition of sinecures was a thing which he had never recommended for mere economy; it was only in the great establishments of the country that material retrenchments could be looked for, and there, he hoped, great retrenchments would be made. His plan was to give pensions to those who had filled for a length of time high and efficient offices of the state, and he would make the fund to be appropriated for this purpose equal to the produce of sinecures in any year of his majesty's reign. This fund he wished to leave at the disposal of the crown. The king should be the fountain not only of honour but of reward: such a power ought not to be intrusted to the House of Commons, because it would be subversive of the first principles of the constitution, and because he should be afraid of that excessive liberality which they were apt to display to individuals. Such services as were alluded to must be rewarded in some way or other; for if no reward were given, men of the first talents in the country might be driven from political pursuits, and the country might lose much for the want of their abilities. It was perfectly notorious that there were men eminently qualified to serve their country in high offices, who had not inherited great possessions, and therefore could not devote their time to the public service without a recompense. Let reward be given fairly and openly where it is deserved; do not present it in this obnoxious and unworthy form. Do something like an act of grace, by acceding to what is so ardently expected. Let us see whether sinecures ought to exist;—whether they have a foot to stand on; and if they have not, let us immediately abolish them,—not, by refusing so to do, aid the cause of those, who, under the name of reform, seek for revolution."

It was objected by Mr Bathurst, that there was no object of practical utility in view. From the nature of the proposed substitute for sinecures there could be no saving; and was there any reason to suppose that the substitute would not soon become equally unpopular, nay more so, because it held out to the public the semblance of a desire to remove a burden, while it only got rid of a name; because, in fact, it involved an attempt at delusion.—Such an argument, Mr Wilberforce replied, he could hardly consider as serious; sinecures were most unpopular; pensions, in many instances, popular and justifiable: and it could never be supposed, that when money was to be demanded from the nation, it made no difference to their feelings whether it was paid for real services, or given to lazy and luxurious sinecurists. The amendment was then carried by 105 voices to 95.

Mr Bankes may be considered as the ostensible head of the state economists, whose labours have for some years past excited much discussion in parliament, and considerable interest in the public. The attempts which they have made toward the abolition of reversionary grants and sinecures have been the most popular of their proceedings; the former should have been conceded to them, as a practice peculiarly liable to abuse, and which mortgages the influence of the crown, while it offends the feelings of the

people. Sinecures also have been made offensive to the people; but the necessity of some mode of remuneration for public services was fully admitted by Mr Bankes, and there can be no doubt, as was objected to him, that under whatever name that remuneration may be awarded, the same feeling toward it would exist as long as any party in the country should think proper to raise a cry against the existing circumstances of government. Some mode, however, must exist, under any form of government, which does not, like that of ancient Carthage, confine public offices exclusively to the wealthy. Aristotle, comparing together the several forms of government then in the world, praises the institutions of that commercial state above all others, excepting only this limitation of office, and the right of the populace to interfere when the senate was not unanimous: from these causes that prince of philosophers, the most sagacious man whom the world has yet produced, seems to predict the downfall of that flourishing commonwealth, which was in fact produced by these causes. The French are fond of reminding us of Carthage; we should do well ourselves to bear in mind the history of her downfall, not with any reference to external danger, which we may despise as long as we have sense and virtue to defy it, but with a view to those internal circumstances in which some analogy may be found to those which brought on the ruin of the Carthaginians.

The mere object of commuting sinecures for pensions, if it had not engaged the attention of parliament, would be too trifling to deserve consideration, being obviously a change of name, and of nothing else. In what form the reward is bestowed, the people care not, provided it be well bestowed. The vote of money for the Nelson estate, the pension to Lord Wellington, and the sinecure which Mr Pitt possessed, were regarded by the people with equal satisfaction; however bitterly Mr Pitt was attacked by his political enemies, that he was warden of the Cinque Ports was never objected to him as one of his offences. By the mere change nothing could be gained, and something is always lost by an unsuccessful attempt at currying favour with a party whom it is not possible to conciliate. Upon the point of economy, the warmest advocates of the measure do not pretend that much is to be gained; the probability in fact is on the other side, and as the arguments for the abolition of sinecures lie on the surface, it so happens that we need not go deeper for the arguments against it.

The emoluments of office almost in every department, and especially in all the highest, are notoriously inadequate. Suppose a man capable of assuming the reins of government, and conducting the nation to prosperity and glory,—a man endowed with those powers of mind which Mr Pitt was supposed to possess; and like him without such an hereditary fortune as allows of idleness, or precludes the necessity of increasing it. If such a man be offered an office, he hesitates at quitting his profession to accept it, because the salary is not adequate to the expences which the situation brings with it; in the changes of politics he may be driven out, and find himself a ruined man. To these objections, while sinecures remain, there is this reply; time and chance happen to all, take the office, no doubt some sinecure will fall, and you will be provided for in case of dismissal. This argument will ge-

nerally be successful, though not exactly what it ought to be; but national affairs must be conducted by general rules, and the love of chance is inherent in all men; daily experience evinces this, the price of a lottery ticket is double its real value. A sinecure is a prize in the official state lottery, and the uncertainty of the contingency augments accordingly its intrinsic value. It is therefore the most frugal mode of tempting men of talents into the service of the state.

Except the two tellerships of the Exchequer, (which expire with the present possessors) there are not more than sixteen sinecures which amount to 3000l. a-year each, which, considering the superior income of so many of our merchants and shop-keepers, cannot be thought too much for a retired statesman. The two unregulated tellerships are worth 20,000l. a-year each, and the manner in which that sum has become unreasonable is worthy of detail. The Exchequer itself is the most curious piece of official antiquity in Europe, being still conducted as in the time of the Norman kings, with a solemn apparatus of tellers and tallies, pipes and pells, and a moderate consumption of parchment, oak-sticks, and bad Latin; the last of these articles is so contrived, that a man may write the language all his life in the Exchequer, without knowing a word of the grammar, the termination of all declinable words being omitted, as formerly by the provincials of the Roman empire. The auditor's office alone is now of real importance, all the sums received from various taxes being classed there, and the national accounts annually prepared for parliament. The tellers must formerly have been essential in any kind of Exchequer; but they have been rendered useless by paper money, though the polished scale-beams are still suspended, awaiting another golden age. Neither was the fee of the tellers exorbitant at 1½ per cent., while they were compelled at their own risk to receive money *ad numerum, pondus et arsuram*, by number, weight, and assay, and that too when every great baron was allowed to have a mint of his own. The improvement of the coinage materially enlarged the gain of the tellerships, and the prevalence of paper money has now rendered the office nearly a sinecure, and quite unnecessary. A mode has lately been pointed out to bring the income of these offices within reasonable bounds, by voting the public grants "without deduction;" and it was understood that this would have been done in Mr Pitt's time, had not the tellers preferred paying a large voluntary contribution towards the war annually.

Every liberal man is more or less a lover of antiquity, and to destroy the Exchequer would in that view be an irreparable loss. The ancient Dialogue of the Exchequer, which is 630 years old, opens with as much pleasant locality as Izaak Walton's Angler. "In the 23d year of our good King Henry II., as I was sitting in the Tower window which overlooks the river Thames, suddenly an earnest voice addressed me, saying, Have you not read, master, that there is no more use in hidden knowledge than in hidden treasure*?"—and thereupon the Dialogue proceeds through all the

* Anno 23d Regni Regis Henrici Secundi, cum sederem ad fenestram speculæ quæ est juxta fluvium Tamensem, factum est verbum hominis in impetu loquentis ad me, dicens, Magister, non legisti quod in Scientia vel Thesauro absconditio nulla sit utilitas?—*Dial. Scqc.*

complex arrangements of the Exchequer. But though, from reverence to antiquity, the sinecures of the Exchequer ought least of all others to be abolished, nothing can be more unreasonable than the present purpose of building a new Exchequer at another place. It is one thing to retain a few harmless offices in being, and another to expend half a million in erecting a palace for their reception. Besides the charm of antiquity vanishes the moment you carry the Exchequer from its old situation on the bank of the Thames.

The abolition of sinecures would be, to say the least of it, a measure of doubtful utility. But other measures of this economical committee, which has been lately appointed from year to year, for the purpose of checking and lessening the public expenditure, principally aiming at the diminution of salaries and emoluments, are unequivocally mischievous. When it is considered that the value of money, and consequently of these salaries and emoluments, is every day sensibly diminishing, and within the last twenty years has been thus virtually lessened a full half, the time does not seem propitious to these well-meant efforts. Salaries for services not then overpaid have been necessarily augmented, and he must have performed a very light duty indeed who could bear the defalcation of half his stipend without remonstrance. From these causes, perhaps, it has arisen that the labours of the committee have produced no perceptible benefit, and the expediency of its continuance, under such circumstances, may therefore well be doubted. In reality, there is reason to suspect that its effects are exactly the reverse of what is intended. To place this in its proper light, we must consider the situation of the public and of its servants. The revenue of the united kingdom is about seventy-one millions per annum, applicable to national objects, of which the charge on account of the national debt for interest, principal repaid, and management, is about thirty-eight: this having been replaced by an annual loan, averaging at about thirty millions since the commencement of the present war, the money expended may be taken at sixty-three. No individual of as many thousands per annum, (and our opulent country furnishes many examples of much larger incomes) would deem it advisable to employ not the best, but the cheapest servants, in all his affairs which relate to receipt and expenditure; and he would be pointed at by all mankind as signally imprudent if he did. How is it possible that the same liberal economy should not be advisable in the management of a national income and expenditure, a thousandfold in amount, and of national affairs a thousand-fold in importance?

The reward of the higher officers of state ought to be sufficient to maintain them in suitable dignity and splendour, which is notoriously not so in fact. It is known that Mr Pitt, a man of no private fortune, but also of no superfluous expences, and unincumbered with the maintenance of a family, after being prime minister for twenty years, died deeply involved in debt, by merely keeping up the indispensible appearance of his office; and it is well known that, except the lord chancellor, no public man has the least possibility of saving any thing from the scanty reward of his labours. This is unjust. But it is supposed that the gratification of ambition stands in place of payment, and hitherto indeed no want has been ex-

perienced of men ready to fill these offices. That one of the proposed reforms would narrow the competition, by excluding the class of men among whom those who are fitted to fill them are likely to be found, has already been shown; but it is the inferior servants of the public who are chiefly aimed at by the committee of public expenditure. The inconvenience arising from penurious salaries is not immediately felt; it stifles the seed rather than destroys the mature crop. It operates in a natural and inevitable manner: young clerks of activity and merit find better situations in life, leaving behind them the stupid and the idle to succeed in due seniority to the higher stations in every office. This dangerous effect of illiberal economy has been brought pretty intelligibly before the committee in more instances than one, and must have given them cause of serious doubt whether to persevere in that part of their employment which relates to the diminution of salaries.

The other branch of inquiry confided to this committee, appears to relate to the public accounts of the kingdom, and the checks which have been established to prevent peculation. Certain it is, that nothing requires attention more pressingly than the manner of passing, or rather of investigating, these accounts, since the checks which overstrained jealousy has already devised, are such that the committee apprehend there is "a strong indisposition on the part of many persons of scrupulous integrity to become public * accountants." They might have added, that no public accountant can be found who has not repented of becoming so; scarcely any one who has not been inadvertently involved in this species of torture, which it will be seen he must usually leave to his heirs after him. A statement of these accumulated checks, and of the difficulty of obtaining a discharge (a *quietus*) for any sum expended for the public, would be too tedious, nor would it be credible to a person in habits of ordinary fair dealing and good faith. A short sketch must suffice, and the army accounts may serve for an instance. A vast quantity of these are actually examined four several times, at the War Office, the Pay Office, the Army Comptroller's Office, and finally (after a lapse of many years) at the Audit Office; besides intervening formalities of supposed examinations at the Treasury and Exchequer. The other great branches of public expenditure are also repeatedly examined, some thrice, some only twice; and scarcely any accounts are finally passed on one examination, excepting only of those small sums which are issued under a form reprobated by the committee, and these are audited at the Treasury.

The proceedings of a public accountant, the person accountable, are therefore in this order: First, he makes up his account and collects his vouchers, which being examined and found right, credit is given him accordingly at the first office to which he has recourse; after some delay, the same papers are transmitted to another office, and again examined and again returned: then (in the case first mentioned) they go to the comptroller of army accounts, appointed because a peculiar sort of knowledge is justly deemed necessary in that duty;

* Expenditure Committee, 5th Report, 2d part, p. 37.

and after all these repeated examinations, (highly dangerous from the possible loss of irretrievable vouchers,) the miserable accountant is transferred to the grand theatre of torture, the Audit Office. After an anxious delay of years, (ten or even twenty!) he learns that the examination is commenced, and is soon assailed by a string of questions, "from 100* to 700 in number," chiefly containing technical objections to the vouchers, as wholly inadmissible, according to the "inflexible † rules" of the office, which requires vouchers both in form and number quite unheard of in any other place. To plead ignorance of such an extraordinary manner of examination, or to insinuate that it is wholly unjust, unless the accountant had received notice of these rules, with printed particulars, on the unlucky day when he first received public money into his hands, is perfectly useless. Remedy there is none, and he has the task of procuring additional vouchers of money transactions long since past. If by chance he has been somewhat aware of the strictness of the Audit Office, and so escapes this general inconvenience, his vouchers are examined in the manner of a special pleader employed to find colour for a suit against him; and legal debates of this kind take up most of the time of the commissioners at the Audit Office. It will be seen, therefore, that every public accountant is presumed to be a rogue and a thief, till the contrary is proved by legal evidence; which is about as reasonable as if every man in England were to be tried at the Old Bailey to establish the innocence of his character.

Yet this does not represent half the hardship. From the unavoidable slowness of such a suspicious office, the accusations are generally posthumous, and the accountant's representatives are attacked, when an explanatory detail of circumstances is impossible; and the "inflexible rules" of the office charge against them sums which every man living is satisfied have been duly and faithfully expended in the public service. Thus, neither living nor dying can the public accountant find repose: his anxiety and danger are transferred to his heirs with double aggravation; his private property, real and personal, is liable to the Exchequer process of "an extent," which seizes in preference to any other creditor; even the title of an estate is vitiated, if it be known ever to have belonged to a public accountant, as being still liable in possibility to an extent; and under these circumstances no prudent man will have any dealings, or enter into any family connection with a wretch so dangerously marked. To all this is added the injustice of refusing any allowance for the expence of procuring extraordinary vouchers,—much less for the time and labour spent in correspondence and attendances.

But let not the feelings naturally arising from this shocking detail excite indignation against the officers at the Audit Office; they best know, and consequently most lament, the tortures of which they are the unwilling ministers. But their reputation and their livelihood entirely depend upon their adherence to the "inflexible rules;" and the blame must be appropriated to the overstrained jealousy of the public themselves, who too readily, and against their better knowledge, speak of every

* P. 48.

† P. 50.

public officer as a knave, and thus induce their representatives to make laws accordingly. The progress of this jealousy in modern times is somewhat curious. In 1785 and 1786, when the Audit Office was first instituted, the establishment cost nearly 10,000l. a-year: in 1802, the establishment and expence was doubled, and in 1806 doubled again: the annual expence now amounts to 46,000l., a sum paid to a set of public officers to check others, which officers perhaps have not detected peculation to the amount of 46,000 pence since their first institution. The last augmentation of this office was made under very suspicious circumstances. The then Chancellor of the Exchequer led the cry, and stated unaccounted millions, almost to the amount of the national debt; nor could it be otherwise, as the time of the executioner and of the sufferer is equally occupied by the unnecessary scrutiny of an office always, as such an office ever must be, ten or twenty years in arrear. But the statement answered its purpose, though explained to unwilling ears as a misrepresentation,—as only apparently and technically true, and meaning only that the accounts were not finally audited and "declared." In consequence, the public in this case paid a penalty for their suspicious humour; and a new administration could find no better way of providing for their friends, than by fostering these suspicions for a present purpose, as may be understood from the statement of the commissioners themselves, that of the ten new commissioners then appointed, two only were persons of experience, three had been but a few months in the office, and the other five were entirely strangers to the business.

Yet against these commissioners no imputation lies; they have laboured assiduously, and performed their invidious duties with unimpeachable integrity, and they are the first to deplore the impossibility of speedy progress under the strict rules of their office. One thing indeed in their conduct remains unexplained, but is probably explainable, and would not have been mentioned in this place did it not incidentally point out a mode of remedy for the mass of evil which we have described. At the end of the law,* under which the additional establishment took place, and which really aimed at expediting the examination of public accounts, are two clauses, expressed in the most careful and precise terms, authorizing the comptroller of army accounts to examine *finally* all commissariat accounts, and only in case of suspected embezzlement to transfer such accounts to the Audit Office. Yet (if the committee are not misinformed) these commissariat accounts, evidently the most difficult and complex in their nature, are still received at the Audit Office, exactly as if no law had past to the contrary. Into this fact inquiry might be usefully directed; but the *principle* of the law is worth more notice, as opening the only practicable chance of forming such an arrangement as may really expedite public accounts, and take away a stigma eagerly insisted on by the factious. Let the committee inquire into the examination by the previous offices through which accounts pass: if insufficient, let it be amended, and the examination made final; and let no accountant whatever be

* 46 Geo. III. c. 101. § 19. 20.

condemned to the Audit Office, unless circumstances of suspicion appear against him,—the only circumstances to which the inflexible rules are at all applicable. It is very well known to practical men, that one examination is often better than two, because the first examiner relies on the second for correction; and the second, in civility and caution, does not always chuse to see more than the first. This would indeed be a national benefit of the first magnitude, and worthy of the protracted labours of the committee, who must be well aware that the strictness of the Audit Office is rendered unavailing by the discretion vested in the Treasury to admit reasonable vouchers, without exercising which discretion, no public account perhaps ever could have been passed. So that the process is as follows: first, you examine liberally; then, after a delay of many years, you examine rigidly; and lastly, after infinite correspondence and anxiety, you are necessitated to become liberal again. The two first steps of this process may be spared for the future, and men of "scrupulous integrity" no longer deterred from undertaking the administration of public money.

Akin to the appointment of an additional establishment at the Audit Office, was the creation of sundry commissions of inquiry, of which the board of military inquiry is the only one remaining; and the proceedings of this board ought to be a pathetic lesson to posterity not to be suspicious overmuch. Persons with a large salary appointed to find fault, will seldom look for it without fancied success, as that success is the only justification of their own appointment and their own salaries. If they are human beings, they must have this feeling; and woe be to the man whose conduct they have to scrutinize, or even individually to mention!

In July 1803, when the alarm of invasion was at its height, urgent orders were issued, that barracks for 50,000 men and 10,000 horses should be ready to receive the troops in October and November. No country but England could produce such celerity; and in England it was hardly to be expected that a man could be found who would singly undertake to direct the expenditure of half a million of money, at his own risk, in various parts of the kingdom, and in three months time. Mr Copland, however, undertook and performed this Herculean task; and for his reward, four years afterwards, the barracks erected in this emergency, which, to a reasonable mind, must be supposed to have doubled the expence,—these barracks, under the direction of the board of military inquiry, are coolly valued, by other surveyors, at current prices of workmanship and materials, and a list of trifling particulars, wherein the greatest difference of charge appeared, is collected, from whence an inference is drawn that Mr Copland had wronged the public 38 or 48 per cent. To insist upon this case is unnecessary, as we believe it is now seen in its true light, and in a fair way to be remedied; and especially as the military commissioners have been more careful since they have felt the spirited and satisfactory justification of the late Sir Henry Mildmay against their insinuations in the same report. Those insinuations exposed him at the time to general obloquy; the malignity of the public prints fomented that obloquy; and as those prints took care not to publish his justification, at the present moment his memory is odious among a great majority of his countrymen. Yet the commissioners of

military inquiry are good and honourable men; the fault is entirely in their situation, and that situation emanated from the disease of the times. Let us blame only ourselves for their misdeeds.

The abolition of fees of office is nearly allied to the intention of diminishing salaries, and, unless judiciously and cautiously applied, is more immediately mischievous. This may conveniently be shown by an instance, which, not being of very recent date, may therefore be told without even the semblance of intentional offence. The accounts of naval officers, and especially of pursers, who have had occasion to expend public money, form an important part of the business at the Navy Office; and after what has been said of public accountants, it is unnecessary to describe the inconvenience sustained from any delay of settlement. It was usual, therefore, for such officers, on their arrival in port, to obtain permission to go to London for the settlement of their accounts: the leave of absence being short, and their account not having been prepared on purpose, they usually paid a moderate fee to some of the junior clerks to write it after the regular hours of business. By this means their account being speedily made up and passed, they could again embark in the service of their country, without the gnawing pang of leaving behind them unexplained open accounts, which must at least harass their families, in case of their decease abroad. The fees thus paid were, in some unlucky hour of speculative reform, deemed improper, and were accordingly abolished: the effect of this on the officer accountable requires no explanation; the office clerks were consigned to comparative beggary, and the public lost that portion of their labour, which, though more particularly directed to the benefit of the accountant, was still so much work dispatched, and therefore clear gain to the public, who, in consequence, had to pay many more clerks when work after office hours was prohibited; thus an evil was achieved, of which it is difficult to say which of all the parties concerned it injured most. The abolition of fees has since been farther extended, though it may safely be said, that when the payment is voluntary, and for service performed, no solid objection lies against the practice. On the contrary, it invigorates the activity of every office in the same manner that task work produces more labour than day work, and a great increase of any establishment must therefore follow the abolition of voluntary fees for expedition. This mischievous species of reform has been carried farther in Ireland, by a special commission for that purpose, than hitherto in Great Britain.

All things considered, the public expenditure committee may be regarded as one of the causes which create discontent and even disaffection in the people, who cannot fail to infer that there must be great need of amendment, when they see so much pains taken, session after session, to amend. And what is the result of all this labour? regulations which diminish the income, lessen the respectability, and destroy the comfort of public officers; without eventually saving any thing for the public. Every man who deems himself unworthily questioned, or feels that he is in danger of being so, has in effect lost much of the value of his office, if reputation be thought of any value in England,—where indeed the art of paying with a good grace, and without diminishing the respectability of the person receiving, is lit-

tle understood, and is that in which the system of relieving the poor is chiefly deficient. If any one of the members of that committee would put himself for a moment in the place of an officer harassed by some of their thousand orders, he will very well understand the sort of diminution of comfort and respectability which is thereby effected in all public offices; he will feel that the expedience of inquiry is, like most of the questions on which human opinion is divided, a question of degree; and he will perceive that when inquiry becomes permanent, instead of occasional, no man who values respectability can be expected to undergo the disgrace which will be unavoidably attached to the service of the public. Those of the committee who see these consequences, must dread this natural and inevitable result of their own labours as the greatest misfortune which could happen to the public, for whose sake, and to whose benefit, those labours are intended.

It must not be suspected that any personal motive lurks under that zeal for the public good, by which the economists and their committee are actuated; that the exercise of "a little brief authority" can be an inducement to them to prolong their labour; that the malignity which some have supposed to be natural to man, but which is usually stifled in the intercourse of civilized society, may unexpectedly and unconsciously be revived and quickened into full activity under the appearance of pure patriotism; still less is it to be imagined that any member of this party can condescend to "court filthy popularity," by aiding and authorising the unfounded clamours of the vulgar against all the servants of the public. But, however pure their patriotism may be, and however good their intentions, the end which they propose is insignificant, and the means by which they proceed pitiful and mischievous. These are not the reforms by which states can be strengthened or preserved! No good can ever be effected by appealing to evil passions. He who would benefit his country, instead of fostering the discontent of the public and pimping for their suspicions, should address their generous feelings, encourage their national spirit, and exalt their hopes. The methods of reform, by which great and effectual good is to be accomplished, are these. Establish parochial schools, by which crimes and the poor rates will soon be diminished; extend your system of colonization, as the wisest people of antiquity did; restless spirits will then find their proper sphere abroad, and sufficient employment will always be left for all at home. Establish the principle of limited service in your fleets and armies, and make the reward of service adequate and certain; volunteers will then never be wanting. Carry on the war with all the heart, and all the soul, and all the strength of this mighty empire; you will beat down the power of France, and then,—and not till then,—the public burdens may be lessened.

The state economists and the reformers do not accord in their views, though the effect which the discussions that they bring on produces upon the public is the same. A new plan for parliamentary reform was brought forward this session by Mr Brand. "It was a measure," he said, "which the violent demanded, and the prudent deemed it wise to encourage, as absolutely essential to the welfare of the community. The critical situation of the country called for it, as the *May* 21.

best means to allay the general alarm, and to allay the general discontent. If the house wished to recover or preserve the confidence of the people, it must take speedy measures to conciliate them. The first, the most obvious, and the greatest evil that existed was, that so many members were nominated by the proprietors of decayed boroughs. The remedy was to be found in the good old constitutional practice of the legislature. It was well known to have been the constitutional practice of old to relieve, on their application, particular boroughs from the *onus* of sending representatives to parliament. The same principle would authorise the disfranchisement, at the present period, of such boroughs as no longer possessed property or population to entitle them to such a right. The decayed boroughs, whose representatives were sent to parliament at the nomination of individuals, should be disfranchised, and the right of returning members transferred to more opulent and populous places. There could be no question that it would be more desirable to have in that house members uninfluenced by any external controul, than such whose opinions and votes must be controuled by the individuals who nominated them.

"The only difficulty was, how to ascertain what boroughs were so decayed as to be proper objects for disfranchisement. There were above thirty which had not fifty voters each, and the representatives for which were consequently nominated by the proprietors of the boroughs. But it would be for the committee, if he should succeed in his motion, to ascertain what boroughs were in that state, and to recommend to the house to disfranchise them. The right of election could not constitutionally exist in depopulated and uninhabited places. Property real and personal, and population, must and ought to be the basis of such a right. When a place became deficient in population, and no property existed in it but what was possessed by the individual claiming the power of nomination, then the place must cease to possess the right of returning representatives to parliament; and no consequences could result from that right being suffered to remain with them, but such as were injurious and detrimental to the nation. The elective franchise for counties had very wisely been given to the freeholders. The copyholders should also be allowed to vote; as there was no reason or principle why they should not, equally with the freeholders, be permitted to vote for county members; and, after the destruction of the feudal system in this country, he could see no objection to a bill for enfranchising copyholders. This was in fact the only alteration he proposed in the regulation of the right of voting in counties, except in a few of the northern counties, and in Scotland. In the metropolis, and in other populous places, the right of voting should be given to all householders paying parochial and other taxes. This was a principle that had been recognised and acted upon by their ancestors; and in proposing to adopt and act upon it in the present instance, he removed the principal objection to reform. This plan had not any of the ostentatious parade of theory, or the affectation of being rendered such as to be intelligible to even the meanest capacity; but it was all of pure English growth. The representative system would be continued according to the sound old principles of the con-

stitution; and no alteration would be made in any particular, but in extending the right of voting to copyholders in counties, and to all householders in populous towns and boroughs. In the northern counties of England, and in Scotland, he could not see any reason why the right of voting should not be assimilated to the practice in this country, and left in the counties to the resident freeholders and copyholders; and in the boroughs, to householders, paying parochial and other taxes.

"There was one very material difficulty which could not so easily be got over, viz. how far it might be proper to give compensation to the proprietors of boroughs. On the ground of strict right, they could not have any such claim. In feeling, however, and in equity, some compensation ought, perhaps, to be granted; and he would, with satisfaction, agree to grant it, because, even though it should be prodigal, it would eventually be a saving to the country. This part of his proposition would not meet with the concurrence of those who were advocates for reform; but upon reflection, they would be of opinion, that, whatever taxes might be imposed in order to defray the amount of such compensation, this would be the cheapest payment ever made by the public.

"The abolition of the rotten boroughs would necessarily reduce the number of members, and this brought on the consideration of that material part of the subject, the application of the members for the disfranchised boroughs to places which have not hitherto been represented. North of Oxford-street there was a population of above 400,000 inhabitants, who were at present not represented at all. In the west of England, on the contrary, many places returned members to parliament without having any population deserving of notice. What claim, he would ask, could Gatton, Old Sarum, or the submarine inhabitants of St Mawes, have to the right of sending representatives to parliament? The right of election should be transferred from these and such places to Sheffield, Manchester, Birmingham, and other populous towns, and the most populous counties. By applying such members as should be set loose by the disfranchisement of the boroughs in that way, the house would employ the sound constitutional remedy for the existing evil: they would restore the confidence of the country in its parliament, and remove all those suspicions, which, in consequence of the late events, attached to that house, and that, too, without any innovation—without the adoption of any uncertain theory—and without any departure from the uniform practice of the constitution.

"With respect to Scotland, he should suppose, there could be no objection to assimilate the election laws of that country to the laws of England. He was not aware that there was any thing in the contract for the union of the two countries that would or could operate to preclude such an arrangement. At least he considered it the duty of that house to inform itself upon that subject, and could not think there would be any thing inconsistent with that contract, in the legislature endeavouring to ameliorate the laws of that country.

"As to the state of the representation in Ireland, he was not disposed to propose any change. There were, no doubt, boroughs in that country, as well as in this, which were entire-

ly in the nomination of some members of the aristocracy. But as the union with that country was so recent, and the consequent abolition of boroughs there so extensive, he was not prepared to state how far the evil extended. The house, upon the whole, he was sure, would see and feel the necessity of adopting his proposition; because nothing could be so dangerous to the rights and liberties of a nation, as the forms of a free, and the spirit of an arbitrary government.

"Upon the duration of parliament he had bestowed much and earnest attention, and he found it one of enormous difficulty, but of extreme interest and equal importance. Septennial parliaments had a tendency, from the length of their term, to weaken the relation between the elector and the representative, and to shake the dependence of the one upon the other. Annual parliaments would be found not less exceptionable, by leaving the representative too little accustomed to business to be competent to his duties in that house, and from the too frequent recurrence to the troubles and contests of parliamentary elections. The one term was too long to please the people, and the other too short to satisfy the members. He would be inclined to take a middle course, and recommend triennial parliaments; which, without the evils of either, would possess all the advantages of both.

"But the difficulties in changing the duration of the parliament, he must confess, would be immense, unless a concurrent change were to be made in the mode of making the return. Some thought that the returns should be made by districts, others, that the votes should be taken by districts. To making the return by districts, he had strong objections; of voting by districts, he approved. If there were four members to be returned for Hertfordshire, for instance, and they were to be returned by districts, that would throw the whole of the representation into the four principal towns of the county. The freeholders of the towns would uniformly prevail over the freeholders of the county, because they could almost always outnumber them at an election, and consequently some inhabitant of the town would be generally returned. This would be to commute the county for the borough election. But if the votes were to be taken by districts, it would save much expence, and enable those, who at present are deterred by a consideration of the expence attending an election from offering themselves, to become candidates. Nothing need prevent the sheriffs from taking the votes throughout the different districts without subjecting the candidate to the expence of bringing up the freeholders from the extremities of the county to the place of the election. The votes might also be collected in the same way, throughout the different parishes in populous towns.

"There was one other point remaining, to which it was necessary to call the attention of the house,—the number of persons holding places and seats in that house. Something was necessary to be done on that head, but he did not think that all persons holding offices should be excluded. He was confident, however, that with a view to the independence of parliament, persons holding offices without responsibility should not be suffered to have seats. He hoped, therefore, that a bill would be brought in to exclude such persons from parliament. On these grounds he had felt it a duty

he owed to his constituents and to his country, to bring forward his motion

"Of one thing," Mr Brand concluded, "I am sure; we must either have a temperate reform, or a military government. The people demand a moderate reform as their right, and if their demand is not complied with, they will endeavour to assert that right. What the result of such a struggle may be, it is not for me to anticipate; but, in my conscience, I believe that I have truly stated the alternative: If the house reject reform, then will the sun of this nation's freedom and greatness be for ever set; but if it should adopt reform, then will the sun of Britain rise from its present dark horizon, and, dispelling those clouds with which it is overcast, again shine forth in all the splendour of meridian lustre!" After thus winding up his speech, he moved for the appointment of a committee to inquire into the state of the representation.

He was opposed by Mr Davies Giddy, who admitted that "the question derived additional weight from the character of the person who now brought it forward, and that the plan was certainly the most moderate and reasonable of any which had lately been produced. He thought, however, that the reformers all went on a wrong assumption, because the people were virtually represented in every branch of the legislature. The King represented them in his executive capacity; the House of Lords might be considered as their hereditary representatives: it would not be contended that the noblemen of this country had any distinct interest from the rest of the people; they did not form a distinct class; but saw their nearest relations, and their own children mixed in the general mass of society. And the House of Commons were the representatives of the people, though not actually their delegates. If, indeed, that house were a house of delegates, it would be impossible that the other branches of the legislature could exist in conjunction with it. Such an assembly must be governed by every prejudice and bias of public opinion, and would gradually absorb the whole power of the state. The House of Lords would not weigh as a feather in the balance against them, and would not long be suffered to exist. Had we not seen sufficient examples of this? The experiment had been tried in France, and the result was, that the whole feeling of the country sympathized with their house of delegates, and the king could no longer maintain the ground which the constitution of their own framing had assigned him. Our own history, too, might have taught us what the power of a House of Commons is when the whole people rally round it; how soon that power is likely to be abused; and how surely in its abuse it leads to the destruction of the country. And what had the people to complain of? Nothing but an accumulation of taxes, which a war of eighteen years rendered necessary. The country exhibited every mark of increasing prosperity. The canals, the docks, the public works and private speculations that were every day going forward, showed its great and increasing wealth. The climate even was improved, diseases were banished, human life was prolonged to a greater term, as was shown by the bills of mortality, than ever it had reached before. The people were better fed, and that was the reason why they should live longer. In such a state of superior comfort, was there any

body who would wish to throw all our national prosperity to hazard, merely because they thought that one individual, (Gale Jones) who had libelled the house, had been punished in rather too summary a mode, or that an honourable baronet had been sent to the Tower for a violation of the privileges of the house.

"Whatever defects there might be in the construction of the House of Commons, according to theory, the system went on well. It was easy to draw plans of constitutions; but when they were put in execution, many that were good in theory were found bad in practice, and soon led to what was the simplest of all constitutions,—a military despotism." Mr Noel, Sir J. Newport, and Colonel Wardle, supported the motion. Lord Milton, Mr Jacob, and Mr Stourges Bourne, opposed it; the latter said, that such a plan as Mr Brand's would never satisfy the class of persons who petitioned for reform in parliament; they wanted frequent elections and universal suffrage, and we saw the effect of universal suffrage in America. To this Mr Whitbread replied, "that the political creation which had taken place in America, so far from failing in its object, had far exceeded the extent of human hope; it was the work of one of the greatest and the best of men, of Washington, of that patriot who communicated to the government which he had reared a portion of the purity of his own spotless mind and unsullied life; it had grown from the weakness of infancy to the strength of manhood; it had engaged in all the pursuits which lead to greatness and to power; it was capable of existing upon its own resources, and too likely to become the future rival of Great Britain."

Such was the panegyric which Mr Whitbread pronounced upon America. The growing strength of that country has arisen from causes utterly unconnected with its government; from the same causes as the growing strength of Caraccas, and Mexico, and Buenos Ayres, and Brazil. As for the purity of its government, the Americans themselves would be as little disposed to boast of that, as of the national character which, in the course of one generation, they have obtained for themselves. Mr Whitbread was less unfortunate in the arguments on which he insisted as proving the necessity of reform. "There was a material difference," he said, "in the circumstances under which men found their way into that house, whether as representatives of the people, or as nominees of a peer. A nominated member was bound either to vote with his patron, or to vacate his seat; he was in fact not the representative of the people, but the delegate of an individual. Many men of the first talents and strictest integrity were indeed frequently returned in this way; and in the present state of the representation, they could not, from many causes, obtain seats in any other manner. But the system which was now proposed afforded such men many opportunities of being elected; when it took away twenty nominators, it opened forty places where they could, from their talents and their character, establish claims to popular support. The restrictions under which such men labour at present, was even a less evil than that which arose from collusions between the patrons of boroughs and the minister of the day; the one bartering his patronage, either to gratify his ambition or his avarice; the other squandering the honours of the crown, or the money of the people, to acquire parliamentary support,

Suppose, for instance, some great lord, with his six or seven nominees in that house, should, in the longing of his empty vanity, grasp at those distinctions which were ordained to reward heroic achievements; that he should threaten the minister of the day with the defection of his nominees in that house, unless he obtained that ribband, which, though an ornament to merit, must, when otherwise conferred, be considered a badge of disgrace to the wearer. Had such a case never happened, or was it impossible that it should ever happen again? Had it never occurred that menaces of a similar nature were addressed to a minister, unless his countenance were given to some proposed public work, in which was, however, blended some little of private interest, but for the accomplishment of which the public money was to be entirely applied? If, then, such things had happened, if they can happen again, who was it that could deny that the compliance of such minister constituted the most profligate exercise of those powers which were intrusted for far different purposes?"

Mr Whitbread had spoken with respect of the nominated members,—a pretty considerable number happening to be on his own side of the house; concerning the sale of seats, he spoke with less candour and less justice. "The man," he said, "who was returned by his money could have little connection with public feeling. With his constituents he could never come in contact: he could have no bias to comply with their opinions; perhaps he had never seen them. He felt and acted as the representative of his 5000l., and when he was versed in the system of ministerial management, he would not long remain backward in pursuing that course which he observed followed by so many to their own private advantage." If Mr Whitbread had glanced upon the very men who were prepared to give their votes with him upon the subject then in discussion, he would have seen this sweeping and illiberal condemnation at once disproved. But unless he were prepared to maintain that all men are naturally corrupt in the literal as well as theological sense of the phrase; that there is a species of political original sin, and that the only means of regeneration is by a popular election; unless this were his meaning, his arguments stand self-confuted: for they amount to nothing more than that the man who owes his seat not to popular favour, nor to the nomination of one of our great land-leviathans, but has made a direct purchase of it, becomes thereby, to all intents and purposes, an independent member; a position which Mr * Windham had maintained in the debates upon Mr Curwen's bill with his usual acuteness.

That fearless and honourable man was now upon his death-bed, or he would once more have been heard exposing the consequences of a measure, the principles of which he had so often combated and refuted. His place in the debate was supplied by Mr Canning, the person most capable of supplying it. "The motion before the house," he said, "was plainly this, whether that house should declare itself inadequate to the performance of its functions, and abdicate its authority. To what consequences such a decision must lead, 'through what variety of untried being' it was likely to take both the house and the country, it could not be necessary to de-

* See our last volume, P. 264-5.

scribe. And for what purpose was such an experiment recommended? to conciliate not the sober reflecting part of the people, but a particular class, whose study it was to create agitation and make a noise about reform. For that class he could never hesitate to express his confirmed disdain. They were not deserving of any favour from that house, because for that house or the constitution they felt no solicitude. If such persons could attain their object, they would constitute such a system of popular delegation, as could not exist as a co-ordinate authority in the constitution of England. There could be no question that there existed such a party in the country, who pretended a zeal for reform, but in reality sought anarchy; and, as the best mode of accomplishing their object, reviled and distrusted that house; the object of their views was not its improvement, but its destruction: a vain, contemptible, degraded crew, who magnified themselves into the nation, and diminished the nation into a faction; who declared their own infallibility, and depreciated the judgement of all others; a body who were too weak to be respected—too despicable to be feared. But even this wretched body, though they demanded reform, declared that the reform proposed would not prove sufficient. No, they would have the House of Commons omnipotent; they would have it every thing, all other establishments nothing; they would make it, like the rod of the prophet, swallow up all around it.

"Well had it been stated by Mr Giddy, that such a House of Commons, if it existed, would draw to itself all the power of the state. One of the ablest men that ever professed the creed of parliamentary reform; a man who professed it honestly, and without participating in the views and principles of the reformers of the present day; a man too honest and too enlightened not to have changed, in some degree, the opinions of his youth, after the experience of the last fifteen years, (he meant Sir James M'Intosh, of whom he spoke with the sincerest sentiments of esteem and friendship,) Sir James M'Intosh, in his most eloquent publication in defence of the early parts of the French revolution, had stated distinctly his opinion, that such would be the power and preponderance of a reformed House of Commons, that the powers of the Lords and of the Crown would be but 'as dust in the balance against it.' In him this declamation was nothing but the ebullition of a young and ardent mind, enamoured of the fair form of ideal liberty, and of the theories, the fallaciousness of which, and the danger of which, he had not then had occasion to appreciate. But there are those who would now reduce it to sober and fatal practice; for such was the general opinion and calculation of those who now so clamorously called for reform out of doors.

"For his own part, cherishing, as he did, every rational hope for the prosperity of the people, he could never consent so to raise them above their natural level, as that every other constituted establishment of the state should be 'but as dust in the balance.' He would never conciliate the reformers at such a price; and at any expence short of that they were not to be conciliated. What had been the case in France? The reformed legislative assembly set out with the principles of revolution; but if they had not done so, if their ideas had been purely patriotic, they were,

in the wild frenzy of fantastic reformation, so strangely constituted, that it was impossible they could move in a natural orbit; it was impossible they should not run into an irregular and eccentric course, whirling every surrounding object into their dangerous deviation. Would the house follow that rash and awful example? Would they go wavering and perplexed to a committee, without any adequate means to attain their object, or even without any adequate object to attain; without one fixed idea, except the wise notion that whatever is, is wrong, and the sober expectation that, by some lucky expedient, the right may be hit upon! There was, however, one principle to which those reformers pretended, and which of late they appeared unusually eager to profess,—a veneration for the throne itself, and a high respect for the individual by whom it was filled. But, unfortunately, that house well knew such language had not even the merit of originality. By such pretences it was, the unhappy Louis had been deceived. By such men it was, he had been deluded into the notion that he had an interest separate from his people, and a place in the hearts of those who flattered, that they might betray him. Why should we embark upon this dangerous voyage? Why should we trust ourselves to this unknown ocean? We have heard that the ancient empires of the earth have been uprooted; that the most solid monarchies have been crushed; that oligarchies, the best established, have been destroyed; and that England alone stands erect among the ruins! And why have we so stood? Like the nations which have fallen, we have a monarchy. Like the nations which have fallen, we have an aristocracy; but unlike every one of those nations, we possess an House of Commons! This is our proud distinction; this is the sole palladium of our salvation; and this we are now called upon to regenerate, by the mad cry of unmeaning reformation!

"But, say the discontented, the House of Commons, constituted as it now is, has hurried the nation into extravagant expenditure, and unnecessary wars. It is not the fact. There has not been a war during a century, which was not in its commencement strictly popular. The people it was who forced and goaded even the pacific Sir Robert Walpole into the declaration of war. The people it was who at first urged the American war, and at last decried it when it became unfortunate; the people it was who encouraged the war with France, which saved this country from all the miseries entailed on that. A just sympathy with the people, and a reasonable attention to their desires, was, no doubt, the duty, and must ever be the inclination, of that house. The people, unquestionably, could reason fairly when they had time; but as, notoriously, their first impulse was feeling, he did not think it would be politic, or for the interest of the country, to have that house quite subject to popular controul.

"Every class of the people," said Mr Canning, "is fully represented in this house. What question is there but here meets a discussion? What grievance but here meets its remedy? What man in the land so poor but here has his advocate? The experiment of reform has been tried in France, and it has failed. We have it before our eyes. No honest visionary in this country could now be so blinded as to seek here, in the hope of benefit, what the corrupt men there sought to cover their ambition. If

they did, some more cunning and ambitious visionary would take advantage of the tumult to place himself on the throne. They would soon see popular commotion end in military despotism, and find philosophical disquisitions superseded by practical oppression. I cannot consent to hazard this. If I am obliged to choose between the capricious chances of an undefined committee and the ancient edifice which has so long upheld our rights, shielded our dignity, and secured our interests, I shall not hesitate—'*Stet fortuna domus.*'—Let the venerable fabric, which has sheltered us for so many ages, and stood unshaken through so many storms, still remain unimpaired and holy; sacred from the rash frenzy of that ignorant innovator who would tear it down, careless and incapable of any substitution."

Mr W. Smith and Mr Tierney both supported the motion for a committee, but both protested against being supposed to countenance what was called a radical reform. "Some change," Mr Tierney said, "in the representation must take place. Early in life, and now later in life, he was of that opinion, and he did not express it from any look-out for popularity. No; popularity had of late fallen into such hands, that it was really no object of ambition to his mind. It would, indeed, be vain for those who thought with him to start for popularity, in competition with the persons he alluded to, for he was persuaded, that those persons would always be sure to run before them. He had, indeed, no doubt that if he and his friends were to decide that all householders ought to have the right of voting, the persons referred to would demand universal suffrage; and that if all men were permitted to vote, these persons would call for the admission of the women; nay, more, that if the women were admitted, they would insist upon the addition of the children."

On the other hand, Mr Williams Wynn and Lord Porchester opposed the motion, as a perilous as well as unnecessary experiment. It was negatived by a large majority, 234 to 115; but here also, as on a former question of reform, Mr Wilberforce and his friends were found among the minority, giving their sanction where it is to be wished they had withheld it. Among those who voted against Mr Brand's motion, were many who conceived that some reforms in the representation ought to be made, but that they should be made in a manner which would excite no agitation. With this view, Mr W. Wynn brought in a bill for the prevention of bribery, "not," he said, "because the existing laws were not sufficiently severe, but because there was too much difficulty in proving them." It was too late in the session to carry the bill through; *June 20.* but he stated the purport and nature of his bill, that they might be fully considered before parliament again met. "To argue upon the principle of the bill," he said, "must be superfluous. There were indeed some persons who considered bribery as a thing not in itself immoral or disgraceful, though it was an offence against the laws; but he must always maintain, that it was a crime of a most aggravated nature against the constitution of this country, against morals and against religion. Some new regulations were necessary; the house had determined that it would abstain from any inquiry into past offences, but endeavour to prevent their recurrence. In this view, and

in this only, could Mr Curwen's bill be regarded, stript as it was of all those provisions which could render it efficient. It was a solemn pledge given by parliament to the people of their disapprobation of bribery, and their determination to adopt measures for checking it. If," said he, "things should be allowed to proceed as they have done hitherto—if it is seen that seats in the House of Commons are still bought and sold, and that bribery is still practised, the house would justify the clamour of the enemies to the constitution. It would abuse the just hopes and expectations of its constituents, and appear to have only deluded them with promises which it did not intend to perform. The prop and foundation of the House of Commons is public respect, which is not to be attained by weakness and cowardice, falsely called conciliation, but by a firm adherence to its duty; and if one duty be more sacred and imperative than another, it is that of constant and vigilant attention to check the inroads of corruption. This attention must necessarily be unremitting, since it could scarcely be expected that the ingenuity of vice would not ultimately find means of invading any enactments which human wisdom could devise.

"Thus," Mr Wynn stated, "in the act for the prevention of bribery, which his ancestor had introduced in the 2d of George II., one of its provisions, which appeared at the time best calculated to encourage the discovery and punishment of bribery, had since been converted into an engine for its concealment and protection. He meant that clause which provided, that any person discovering an act of bribery committed by another should be indemnified for all acts of the same nature which he had himself previously committed. Within the last forty years it had been discovered, that a person guilty of the most general and wholesale bribery might, under this clause, protect himself from all the consequences of his crime, provided he should give information against any one of the unfortunate persons whose votes he had purchased: and in consequence numerous fraudulent actions had been commenced solely with this view, and members of parliament had stood forward in courts of justice, prosecutors of those who had voted for them, and avowing, with an unblushing countenance, that their object in so doing was to procure an indemnity for their past offences."

In order to cut off this subterfuge, Mr Wynn proposed, "that this indemnity should in future be limited to acts of bribery which should actually be discovered by any witness when examined by a competent authority, whether in a court of justice, or a committee of the House of Commons. The necessary consequence of this would be another clause, empowering such court or committee to compel an answer from any witness, even though it should disclose an act of bribery in which he himself had been concerned. By this means committees of the house would be enabled to drag forth to public view the bribery of votes, or the purchase of seats in parliament, however secretly the transaction might be conducted; and persons who were implicated in such practices, would be conscious that they could at no time be secure, since the accomplice of their crime might be compelled, unless he chose to incur the guilt of perjury, to reveal their offence. It would also be necessary to empower committees

to examine witnesses, although they should have signed the petition, complaining of an undue election, which the committee were assembled to try, since it was become a common practice among persons who were averse to be examined, lest they should give evidence unfavourable to their own friends, to sign the petition merely in order to prevent the adverse party from calling them."

He proposed also, "that the right of petitioning against an undue election, on the ground of bribery, should be extended to all persons whatever, though neither voters or candidates for the seat in question. This had been the ancient and constant usage of parliament till the year 1784; at that time many groundless petitions were presented, the purpose of which, in some cases, was only to entitle the petitioners to a seat under the gallery. Lord Grenville had in consequence introduced an act, limiting the right of petitioning to candidates, or voters, and giving costs in all cases where petitions should be found to be frivolous or vexatious. The latter provision would, of itself, be sufficient for its object; and the utility of the repeal of the former would be sufficiently manifest by adverting to the many cases which might occur of the sale of seats, where a borough was completely in one interest, and every individual voter implicated in the same offence.

"It might likewise, he thought, be expedient to alter, in cases of bribery, the standing order which limited the time for presenting petitions to fourteen days after the return should be received in the Crown Office. At present it was a common practice to delay the payment of bribes, and settlement of accounts for treating, till after those fourteen days had elapsed. These were the provisions which he should propose for preventing bribery; there were others which related to the better regulation of elections. Thus he should recommend that the writs for new elections be forwarded by the general post-office, instead of being trusted to private persons, who, for their own objects, frequently delayed their delivery. It would also be advisable to shorten the duration of polls, which might now be kept open for a borough containing 200 voters as long as for the county of York; as it was held that the returning officer could not close the poll till the expiration of fourteen days, provided one voter came forward in each hour. No inconvenience could arise from vesting in either candidate a right to demand that the poll should at any time be closed, unless twenty (or perhaps thirty) votes should be tendered within the next hour. With respect to county elections, he thought that the greatest benefit would result from the proposal of Mr Brand for taking the poll in the different hundreds, if it should be found practicable; but whatever might be the decision of the house on that subject, it would be proper to enable the sheriffs to increase the number of books or polling places, which at present was much too limited. He suggested also the propriety of reviving the ancient practice of election, by which, if two members were to be elected, and the show of hands in favour of one candidate was unquestioned, he might be declared duly elected, although a poll should take place for the other seat." Mr Wynn was heard with that attention which proposals so entirely unobjectionable and so practicable in all their parts deserved; and here the business rested for the session.

The attack upon the criminal law of the country was renewed
Feb. 9. this year by Sir Samuel Romilly. "Nothing," he said, "could be more erroneous or more mischievous than that certain punishments should be allotted to particular offences, and that the law so laid down should not be enforced. There were, indeed, some acts in our statute book which one could not read without horror, and which it was almost impossible to conceive could have found their way into it. Such was the act which makes it a capital offence in any person, male or female, to be seen in the company of gypsies for the space of a month. That act had, however, been enforced for nearly a century; no less than 13 persons had been executed under it at one assizes. Our criminal code had, in ancient times, been not only most sanguinary, but as sanguinarily executed. Fortescue, who was Chief Justice of the King's Bench, and afterwards Lord Chancellor to Henry VI., in his excellent treatise on absolute and limited monarchy, which was written during his residence in France, for the instruction of Prince Edward, the son of that unfortunate monarch, relates, that there were more persons in England yearly executed for highway robberies alone, than in France for all other crimes for seven years. In the reign of Henry VIII., it is stated, by Hollinshead and other creditable historians, that about 72,000 persons were executed, which was after the rate of about 2000 a-year, during the reign of that monarch. In Queen Elizabeth's time, the number fell to about 400 a-year. After her reign there were no data upon which to go, till we came to the middle of the last century. From 1749 to 1762, of 428 persons convicted in London and Middlesex, 306 were executed, a proportion of about three executions to four convictions. From 1764 to 1771, the proportion of executions amounted to rather more than one half; since that time a great diminution had taken place. In the London district, from 1801 to 1809, about one-eighth of the persons convicted were executed. In 1808, 87 had been convicted, and only three executed.

"People offended against the penal laws at present, under a certainty that they should not incur punishment. Of the number of persons committed in London and Middlesex in the course of seven years for stealing in dwelling houses, there have been executed only as eight to 1802; in the other parts of the kingdom they were in a proportion of one to upwards of 3000. In fact, judges, jurors, prosecutors, and the crown, all felt sensible that it was impossible for the statutes in these cases to be carried into effect, and such inefficient and inapplicable laws ought no longer to remain on the statute book. Parties were deterred from bringing depredators to punishment, from the severity of the penalty which would be the result of their conviction; and persons were thereby led to the perpetration of crimes, by the impunity which was held out to delinquents. At present, the judges decided against whom the sentence of the law should be put in force. This discretionary power was severely condemned by Sir Matthew Hale and Lord Bacon; it was highly dangerous, and such as no men would desire to be vested with. In some cases, the nature of a prisoner's defence, when he had attempted to prove his innocence by *alibis*, which the judge has thought ill established, has gone against him.

Sometimes it was held as a matter of aggravation, that the offence was committed in a place where such offences were rare, and therefore that they ought to be checked; or that they were common, and therefore ought to be punished to prevent their multiplication. Some years ago, on the Norfolk circuit, two men were indicted for stealing poultry in a poultry-yard. One of them made his escape, the other was tried before Lord Loughborough at the assizes, and convicted; but having been till then a person of good character, and this his first offence, Lord Loughborough thought these circumstances deserving consideration, and only sentenced him to six months imprisonment. The other man who had fled hearing this, and desirous to see his family, returned and surrendered himself. He was tried before Mr Justice Gould, who, unfortunately for him, had a different idea from his brother judge, and thinking, as it was a first offence, it would be an example more for the public good to punish him severely, sentenced him to transportation for seven years; so that as the first of these culprits was coming out of his confinement, the other was setting out on his voyage beyond the seas. There was a similar instance in the case of duelling, in which the opinion of one judge was, that killing a man in a duel was certainly murder in the eye of the law; but that it had so long been alleviated, from various considerations, that it was seldom brought in more than manslaughter, and the jury gave a verdict accordingly. In the other case, the judge was of a different opinion; the verdict was for murder, and the unhappy gentleman was executed."

Sir Samuel concluded by moving for leave to bring in a bill for repealing those acts which pronounced the punishment of death against privately stealing. When the bill was before the house, Mr Herbert declared he should oppose it in all its stages, as a friend to the old law, under which we had lived so happily, and which preserved the property in this rich and flourishing nation with so small a loss of life. Sir J. Newport defended it upon the ground, that certainty, not severity, of punishment was most likely to deter from the commission of crimes. Mr Davies Giddy took a middle course. "If they could be sure," he said, "that juries would be competent to sift and ascertain the circumstances of every case which was brought before them, so as to be enabled to decide according to its real merits, he should then not object to giving full discretion to the juries; but when it was considered from what description of men they were usually chosen, it must be obvious that they were as liable as any other persons to fall into error. A certain degree of arbitrary discretion was absolutely essential in all administrations of justice, and he would much rather see it lodged in the judge than in the jury." Mr Giddy added, that any reformation to be beneficial must be made in detail, and that he should never suffer his veneration for the laws of England to induce him to resist any measure which might be brought forward for their actual improvement. Mr Windham spoke against the bill; he maintained that it was impossible to provide unconditionally for different degrees of the same species of offence; and he said he could not help looking with an eye of jealousy on all such visionary schemes, which had humanity and justice for their ostensible causes. The Master of the Rolls,

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Sir W. Grant, agreed with Sir S. Romilly. "The question was," he said, "whether the plan which was now proposed would not be more efficacious in preventing crimes than the existing system of criminal laws? If it were only equally efficacious, every body must prefer it, as producing the same effect by means, less severe, but it would be probably more so. Either the law or the practice was wrong, and whichever was wrong ought to be remedied. Now the practice of not inflicting the punishment denounced by the law, came every day before the observation of the public; and there was no disposition to censure the judges for not putting the law in execution. It was therefore clear, that in the public opinion the laws appeared too severe. It was wrong, in any country, that the laws should be in direct opposition to public opinion; but it would be particularly improper in this country, where offences are tried by a jury; and, in fact, there appeared to be an universal confederacy against the criminal law as it now stands. In the first place, the juries were unwilling to trust the lives of the prisoners to the discretion of the judge, but took hold of every possible circumstance to acquit them of the capital part of the charge. Next came the judges, and lastly his majesty's advisers, who were all anxious to spare the lives of those who had been capitally convicted. It therefore appeared to be generally agreed by all men, that the punishment of death was much too severe for the generality of offences against which it was denounced."

Mr Morris reasoned on the same side. "It was notorious," he said, "that parties were often prevented from prosecuting, and witnesses from coming forward, by the severity of the existing law, and that juries were often obliged to have recourse to a pious perjury, as it has been called. He was for leaving this amiable weakness, or pious perjury, or whatever it might be termed, to the circulating libraries, and for keeping it out of the courts of law. These bills were brought forward as a remedy against an evil, which every one in the habit of attending on criminal courts must know to exist. The discretion as to the infliction of death, the judges would, he believed, very readily dispense with, for it was one which they felt the most painful anxiety in exercising."

Sir Vicary Gibbs thought differently upon the subject, and remarked that the judges, who must be best acquainted with the practical effects of the laws, had not given their sanction to the projected change. Mr Wilberforce said, the plain question before the house was, whether the offence of privately stealing, as described in the bill, was of that nature to which the punishment of death ought to apply? and he was fully prepared, upon the fullest deliberation, to answer in the negative. Instead of severe punishments, which had no effect in preventing the repetition of crimes, or in promoting the amendment of criminals, he would strongly recommend the general establishment of penitentiary houses. Our penal code was a disgrace to the country. So much, indeed, was Mr Pitt convinced of this, that to his knowledge that distinguished person had it in contemplation to commit the whole code to the revision of some able lawyers, for the purpose of digesting a plan to lessen the sanguinary nature of its punishments.

The Solicitor General, Sir T. Plomer, agreed with Mr Wilberforce,

that the law which provided for the amendment of criminals by penitentiary houses ought to be put in force; but he opposed the project of Sir S. Romilly, and the principle upon which it was founded. "He could not believe," he said, "that prosecutors were ever deterred from proceeding by the fear of bringing the criminal to capital punishment, for the capital part of the charge might always be avoided, by abstaining from stating that the robbery took place in a dwelling house, or that it amounted to 40s. in value. It was an exaggeration therefore to say, that the present law led to perfect impunity. It had been said that the law induced witnesses to perjure themselves. This was imaginary; juries might occasionally indulge a latitude in valuing the articles which were the subject of a prosecution, but what followed? The criminal was subject to the same punishment as he would be were the offence made a chargeable felony. But it seemed the dread of a capital punishment was to operate on a prosecutor, on witnesses, on the jury, on every body except the individual tempted to commit the crime. Was that a rational supposition? It would be very beautiful if a precise punishment could be proposed for every individual offence, without leaving any thing to discretion; but all that could be done in practice, was to have generic description of crimes. The peculiar circumstances of aggravation on the one hand, and of extenuation on the other, by which every individual case was marked, as they could not be foreseen, could not be embodied in the law. Let any one try his hand at such a particularization, and he would soon find the impossibility of it. Even could it be accomplished, so far from insuring a certainty of punishment, it would give the criminal the greatest opportunities for escape, both in the mode in which the indictment must necessarily be drawn up, and in the hesitation which juries would entertain in consequence."

One part of Sir T. Plomer's argument was replied to by Mr Canning, who said, "that the ill-regulated mind of a hardened sinner, inflamed by the prospect of gain, would, from the infrequency of inflicting the punishment, more readily brave the danger thus incurred, than a well-regulated mind would risk the possibility of condemning a man to death unjustly. True it was, that after conviction the parties did not wholly escape; but in the two previous stages there was the chance of death or of total impunity. It was better not to persevere in a system which afforded such facilities for escape, but to do away the severer punishments, and thus render the lesser more certain." But Mr Perceval replied, "that the end proposed might be effected in a manner less objectionable, by increasing the amount necessary to constitute a capital offence. The cases mentioned to prove the defective state of the law, went to establish its perfection, as in all those cases the severity of the sentence had been ameliorated, and the appropriate punishment inflicted. This proved at least that the execution of the law was not so much too severe; the severity was rather in the amendment, as its object was not to get rid of severity of punishment, but merely of severity of denunciation. The effect of the bill would be to make the offence more frequent, and he cautioned those who might be disposed to support it, lest it should become necessary for them again to have re-

course to the legislature, and not only revive the law, but put it in execution."

The bill was lost in a very thin house by a majority of only two, 33 voices to 31. Sir Samuel brought in another, upon the same principle, with this difference, that the former related to stealing in a dwelling house, and this to stealing in a shop. This second bill past the Commons. When it came before the Lords, Lord Ellenborough said, "it would become their lordships, before they adopted such an innovation, to consider what had been the practical result of a former bill of this description which had passed, and which mitigated the penalty of death for offences of privately stealing from the person; the increase of such offenders had become in consequence enormously great, and it was now the practice with those who took up this felonious kind of industry, to study this mode of stealing in preference to any other kind of depredation. It appeared, from the accounts before the judges, that the crime of privately stealing from shops was greatly on the increase; and were the terror of death removed, it was his opinion that these depredations would be carried to such an extent in the metropolis, as to occasion bankruptcy and ruin to many honest and industrious tradesmen. It was alleged that the offence did not deserve so severe a punishment; that observation applied equally to other offences not more heinous in their nature, yet concerning which it was admitted that public expediency required the punishment to be severe. Horse and sheep stealing were instances; indeed it would be difficult to name any offence of this kind that could be thought proportionate to the punishment of death; the life of man could not be weighed in the same scales: but after all that could be said in favour of speculative humanity, the prevention of crimes must be the chief object of law, and terror alone could prevent the commission of that crime which was now under consideration. The law was seldom carried into execution, but the terror was the same; and such were the minds of those upon whom it was intended to operate, that the public safety could not be secured by the apprehension of any lighter punishment. Besides, it afforded an opportunity sometimes of bringing criminals to a sober consideration of their wickedness; there were those who were so hardened, that nothing short of the terror of death had any serious effect upon their minds; but they who had witnessed men under sentence of death, had seen the effect which such a terror impending over them sometimes produced. Therefore, in estimating the humanity of law, and looking to the quantity of human suffering, it would be more merciful to let the statute remain unaltered. As for the arguments of those who were speculating in modern legislation, that punishment ought to be certain, and invariably proportionate to the magnitude of the crime, by a scale of penalties corresponding to the degree of offences,—such an attempt would be perfectly ludicrous."

Lords Erskine, Holland and Lauderdale, and the Marquis of Lansdowne, replied to Lord Ellenborough, and vindicated the proposed alteration. The Earl of Suffolk said he himself had been prevented from prosecuting an old woman who had stolen several articles from his dwelling house, merely because, as the law now stood, it was a capital offence. The Earl of Liverpool justified the existing system, affirming, that whatever

might be said of the theory of our law, no one could doubt but that in practice it was the mildest in the world. The Lord Chancellor pointed out the impossibility and absurdity of attempting such a scale of punishment as the theorists proposed. "A whole family were once brought before me," he said, "for sheep-stealing, when I presided in the Court of Common Pleas; but they were starving when they thus made themselves liable to the penalties of the statute. Would any one say that the punishment ought not to have been mitigated? indeed I should have been much worse than these poor criminals if I had not extended to them the royal mercy. But how different was their case from the offence of those who make a trade of stealing and killing their neighbours' sheep? He remembered also, with respect to horse-stealing, that an individual who was tried for stealing a horse, was proved to have stolen not less than eleven, and fifteen keys of turnpike gates were found in his possession, whereby he could expedite the mode of plunder in which he was engaged." Lord Ellenborough concluded the discussion, saying "he was never anxious to court public opinion, but resolved on all occasions to discharge his duty conscientiously. The duty of judges was very great, painful, and arduous; none could say but they were extremely anxious to extend mercy to every deserving case; and indeed they were entitled in this respect to more credit than was generally allowed them. Few of their lordships could estimate their feelings, or conceive adequately what they suffered, when they laid their heads upon their pillows, at an assize town, and had to reflect that the next day would impose upon them the duty of pronouncing upon several of their fellow-creatures their awful doom. He was sure if the severity of the laws as they now stood were remitted, that there were those who would proceed to the commission of offences, not caring for the consequences even of conviction, because they would consider the punishment of the present bill little more than a summer's airing in an easy migration to a milder climate."

To pass the bill in the face of the great law authorities who thus opposed it was impossible; and it was thrown out by 31 voices against 11. Another part of the criminal law was also brought under discussion by Sir S. Romilly. "In considering punishments as they operated to the prevention of crimes, they might be divided," he said, "into three classes. The principle of the first was, that the punishment of the individual should operate on society in the way of terror; the principle of the second was, to put it out of the power of the person offending to commit crimes in future, either for a certain time specified in the sentence, or for ever; the principle of the third was, the reformation of the offending party. This third mode had been too much neglected of late years. A system of transporting convicts to New South Wales had, most unhappily, as he thought, been adopted. This species of punishment was unknown before the restoration; it began under Charles II. Criminals were then transported to our settlements in North America, where, however, they were not sent as perpetual slaves, but bound by indentures for seven years; and for the last three they received wages, in order that a fund might be provided to give them a fair chance of future success in life. Thus, to those that were rich, the punishment was only exile, whereas to the poor, labour was superadded. The American revolution rendered it no long-

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er possible to pursue this system: the plan of imprisoning convicts in the hulks was then introduced, and a law was past, allowing judges to transport convicts to any part of the world. A plan for reforming criminals, by means of penitentiary houses was also at that time devised by Howard, Blackstone, and Lord Auckland; a law was enacted for the purpose, but it remained in the statute book a dead letter, and the project of colonizing at Botany Bay was taken up. It was perhaps the boldest and most unpromising project which was ever held out to any administration, to establish a colony which should consist of the outcasts of society, and the refuse of mankind; and even these persons were not left to their natural profligacy, but had a sort of education in the hulks, which rendered them infinitely more vicious than they had been before. In February 1787, the first embarkation was made; it consisted of 264 convicts, and instead of persons who knew any thing about country business, convicts from London and Middlesex were sent,—inhabitants of a large city, and consequently, of all persons, the most unfit for the service on which they were sent. Of these persons 233 had been sentenced only for seven years, and had lain above four in prison; they therefore had not half their term remaining, and to these, therefore, it was a most flagrant injustice to be thus carried to the other side of the globe. In fact, the whole system teemed with injustice, for no provision was made for the return of any of these people at the expiration of their sentence. The men could only find their way back by working their passage, the women had no resource, and the hardship and injustice which they thus sustained deserved the serious consideration of parliament. Such of the men as returned, came back far more desperate and depraved than they went: They who escaped from the settlement, got among the South Sea islands, where they became the 'apostles * of mischief.' Such were the effects of this system of disposing of criminals: the expence had been most enormous, and infinitely greater than that of building penitentiary houses." Sir Samuel then moved an address to his majesty, praying him, that the act relative to such houses might be carried into execution.

Mr Ryder, in reply, agreed with many of Sir Samuel's general remarks. "The hulks, however," he said, "had been most materially reformed by the exertions of Mr Graham; the convicts were now laborious and diligent, and were reputed such good workmen, that the Lords of the Admiralty had applied for some of them; and he believed that at this time, from the value of their work, the establishment supported itself." To this Mr Wilberforce made answer, "that Mr Graham had indeed brought the hulks to uncommon order and usefulness, but still the penitentiary system was better. As for the settlement in New Holland, the whole had been conducted with an utter neglect of whatever was most important for a colony. Morals, the great cement of society, were trampled under foot, the government was corrupt, the subjects licentious. For twenty years there had been no church there; but last year Lord Castlereagh had appointed a governor, from whose character the best results might be expected." Mr Windham said, "there were already numerous penitentiary houses throughout the country, and how had they answered? If the error

* See the Quarterly Review, Vol. II. P. 59, 60.

was solely in the management, was it certain that the same error would not prevail in the new ones which it was proposed to erect. He did not, however, object to the principle; but if the proposed plan were to be carried into effect, he should be very jealous, he said, as to the manner in which the religious instruction was inculcated; it might be so done as to generate a sort of mischievous fanaticism, superinducing hypocrisy upon their original depravity." Mr W. Pole said, "he would mention some circumstances which had struck him on a similar inquiry in Ireland. For want of transports, the convicts were frequently kept in prison for five or six years. It had been declared by the judges, that those years formed no part of the time of their exile. This induced the benevolent mind of the lord lieutenant to examine into so crying an injustice. An old law was found, which allowed the exile to be transmuted for an equal period in confinement. There were discovered sixty females, in cells of 12 feet square, 10 in each cell. Those women were put into penitentiaries; they became industrious, as they felt the enjoyment of light, and air, and food; as they felt the pleasure of honest industry, they grew diligent and honest; work could scarcely be supplied to them sufficient for their new activity, and at the return of every week there was an additional evidence of the signal power which encouragement and care had in reforming the most abandoned, and cheering the most unhappy."

The farther discussion was postponed at the desire of Mr Secretary Ryder, who wished to have time for considering it. It was renewed on the fifth of June. Sir Samuel then repeated his objection to the hulks. He said, "Mr Howard had stated as the result of his inquiries, that of the persons confined on board the hulks, those who came from the country generally died, in consequence of their confinement, and of the horror they felt at the examples and the scenes exhibited to them; and that those who came from great manufacturing towns, generally became, in a short time, the most daring and dangerous of offenders. Undoubtedly Mr Graham had done much in reforming the hulks; but no attention would ever be able to remove the defects of this species of punishment; they were inseparable from the system." Sir Samuel then renewed his arguments against the plan of colonizing with criminals. "The severity or lenity of the punishment," he said, "depended not on the degree of guilt of the offender, but of his talents and acquirements, and qualifications for the new state of things into which he is transported. Thus it happened that an attorney, who, after having stood on the pillory here, had been sent to Botany Bay, was confidentially advised with by those in authority, and enjoyed something very like the influence of an attorney-general, because he was well acquainted with legal forms." The fact was true, but Sir Samuel did not draw from it the right inference: it proves nothing against the system of employing convicts as the raw materials of colonization, that a man of such notorious and recorded infamy as Crosley should have been taken into favour by the governor,—the fault lay in appointing a governor from whose previous history all the consequences which followed his appointment might so certainly have been foreseen.

The home secretary declared he agreed with the general views of Sir

Samuel, but that before he could form a determinate opinion, he was anxious to communicate with Sir George Paul, and with another honourable baronet, a member of that house, both of whom had devoted their attention to this subject; and the result of their labours had been to ascertain that the plan which the dormant statutes had sanctioned was very defective, and that it could not possibly be executed in the present state of things. "It is no inconsiderable object," said Mr Ryder, "for the house to understand the tendency of these acts of parliament, as they at present exist; and it is of no less importance that the plan they describe should be most maturely considered. It is proposed by them, to erect a great penitentiary house in this metropolis, capable of holding from 900 to 1000 persons, and to be enlarged as might be thought expedient or necessary. I believe that the very erection of such a building as this would cost at least 100,000l. I speak only of my own belief; but, leaving the subject of expence out of the question, it has been very much doubted whether a penitentiary house of that size, and calculated to hold that number of persons, is a good system; and whether a greater number of penitentiary houses situated in different parts of the country, capable of holding only a much smaller number of persons, is not a much more eligible system."

Mr Ryder, therefore, requested that Sir Samuel would withdraw his motion for the present session, solemnly assuring him that he would establish a committee early in the next, to take the matter into serious consideration: the question was nevertheless put to the vote, and lost by a majority of 17, after which a resolution was past unanimously for taking up the subject early in the next session. During the debate, Mr Wilberforce, with great good sense, recommended that if the punishment of transportation were continued in use, it should always be for life; "because," said he, "when the unfortunate person reaches his destination, and knows that he can never return to his native country, he makes up his mind to his fate. Cut off from those vicious connections with whom he had been accustomed to associate, his mind, if it be at all well disposed, naturally turns itself to honest employment. He feels that he is now placed in a situation, where, if he be industrious and virtuously disposed, he will receive encouragement; and he feels a natural desire to reform his bad habits, sensible that it is the only way he can acquire a character, or ever hope to rise in the estimation of society. But the man who is transported only for a few years, languishes for the expiration of that term, which will free him from his imprisonment; every act of duty or of expiation imposed upon him, he executes with murmuring and discontent, and looks only to the day of his departure."

While Sir Samuel Romilly thus stood forward to alter the criminal law of England, the ministry were taking measures for benefiting the church, by improving the situation of the poorer clergy,—a measure which Mr Perceval has ever had deeply at heart. When the House of Lords resolved itself into a committee on the Appropriation Bill, Lord Holland objected to the grant of 100,000l. to Queen Anne's Bounty, the season, he alleged, being most unpropitious, when burdens pressed so heavily upon the people, and the grant itself being merely temporary, and

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not forming part of any permanent system for ameliorating the lot of the poorer clergy. Their relief might be effected in a manner much less objectionable by means of the higher benefices, either by taxing them in certain proportions, or by some other mode. Benefices to which no duty was attached might be suspended, to form a fund for this purpose; and some regulations might also be made with respect to livings in the gift of the crown. To these hints the Earl of Harrowby opposed very sufficient objections. "About three fifths of the livings in this country," his lordship said, "were in lay patronage, and the advowsons were a part of the estates of the proprietors, bought and sold, like other estates, for a valuable consideration, upon the faith that they were only subject to taxation in common with other estates. There could be no justice in selecting these particular estates to bear exclusively a burden which, if necessary for the general good, ought to fall equally upon all. Taxing the higher clergy for the relief of the poorer, was also an approach toward the principle of levelling: but the inequality of preferment was a great advantage, and intimately connected with an episcopal establishment. The extremes might be too distant, and indeed they were so; not because the highest were too high, but because the lowest were too low: this evil we were preparing to remedy, but the manner in which Lord Holland proposed to remedy it would produce greater evils. A tax upon the higher benefices would, as far as it went, equalize benefices; and inasmuch as it did that, it would lessen the reward of distinction. And if, to avoid the injustice of an attack upon property, it were confined to livings in the gift of the crown or of the bishops, it would be applied exactly where its operation would be most injurious; for livings in private patronage were usually disposed of to the friends, relations, or private connections of the patron; those in the gift of the crown and of the bishops, formed the chief fund for incitement and reward of merit. And as for the suspension of the profits of certain dignities, it would be so unproductive if confined to few, and so subversive of a constituent part of our establishment if extended to many, that he was not willing to borrow from the Roman catholic church, even for the relief of the poor, a practice which she has usually adopted for enriching the affluent."

Having thus replied to Lord Holland's suggestions, the Earl of Harrowby entered into an explanation of the case of the poor clergy, founded upon the information which had now been obtained upon the subject. "The number of livings under 150l. a year was found not to exceed 4000,—a smaller number than had been at first supposed, and so far satisfactory, as it brought complete relief more within our reach. But on the other hand, it had been generally supposed that the poor livings were chiefly confined to parishes in which the population was inconsiderable and the duty light; remote villages, where it was desirable to give the clergyman a better income, because it was not fitting that he should receive less than a day-labourer, but where his poverty was out of sight, and did not affect the interests of any considerable portion of the community. But it now appeared, from the accounts which were before the house, that the poverty was much greater in a class whose labours were most severe, and upon whose labours the care of a large

part of the population depended. There were 492 livings, each under 150l. a-year, which comprehended a population of 1,200,000, while the aggregate revenue was only 42,046l.; and it was evident that this statement far exceeded the actual incomes of those who performed these labours, because at least half the parishes might be supposed to be held by non-resident incumbents. According to these accounts, all livings might be raised to 100l. a-year in about 21 years, at an expence of 2,000,000l. to the public; and in nine-and-twenty more, at the additional expence of 2,900,000l., they would all be raised to 150l. per annum. This was certainly a sum so alarming in its amount, that we ought seriously to consider whether there were any other means of facilitating so desirable an object. There were two measures which deserved consideration; one was the consolidation of livings, a practice which had indeed been enormously abused in Ireland, but under proper restrictions might well be resorted to. The other was the increase, by future possessors, of the salaries allowed to vicars and perpetual curates, where the great tithes were in ecclesiastical hands: a revival of this principle, which had been adopted by the crown, and soon after the restoration acted upon in obedience to its orders by the higher clergy of the day, and recognised by the legislature, would be attended with great benefit to the church, and great relief to the people."

Lord Harrowby then proceeded to make some observations upon non-residence and pluralities. "The general poverty of the church," he said, "was pleaded as an excuse for non-residence; but it was apparent that, in consequence of non-residence, a much larger number of persons were to be supported by the income of the church; and it was a strange remedy for the evil to load with the burthen of supporting two persons, that income which was not sufficient for one. No curate ought to be permitted to act on a living where the incumbent was non-resident, (except in the case of the infirmity of the incumbent) without a licence from the bishop, specifying the salary he was to receive; and in livings below a certain value, the salary should be the whole income of the living. The present practice, according to which the non-resident incumbents, of livings of 50l. 60l. or 70l. a-year, put into their own pockets a portion of this wretched pittance, and left much less than the wages of a day-labourer for the subsistence of their curates, was far from creditable to the parties concerned, and calculated to degrade the character of the church. Many instances came within his own knowledge, in which parishes were served for 20l. or even for 10l. per annum; and in which, of course, all they knew of their clergyman was the sound of his voice in the reading desk or pulpit, once a week, a fortnight, or a month. This must also be the case where curates are permitted to serve more than two churches, an abuse which required to be prevented.

"The same excuse was made for pluralities, and it was equally invalid, for the pluralists were to be found among the rich clergy; and indeed it could not be expected to be otherwise, for the incumbent of one large living was much more likely, from his situation and connections, to procure a second, than the incumbent of a smaller one. It seemed clear, therefore, either that pluralities to their present extent were not

necessary as a remedy for the poverty of the church, or that they were not so applied as to afford that remedy. What was the result of all these facts? A complete conviction in his own mind, which he earnestly wished to impress upon the minds of others, that the poverty of the church was so clearly proved, as to call, in the most urgent manner, for the continued liberality of parliament; that without the continuance of that liberality, it was impossible to provide effectually for its relief, and therein for the best interests of the community; but that pecuniary assistance alone would not be sufficient to place our church establishment in security; that unless prompt and efficacious remedies were applied, we were tending towards that most alarming of all situations, in which the religion of the established church would not be the religion of the majority of the people; and that it was therefore one of the most pressing duties of the legislature, to give this important subject full and deliberate consideration."

Earl Stanhope and Lord Holland both persisted, in reply, that it was doing no good to the church to increase its wealth,—as if the object in view had been to add to the incomes of the rich clergy, and not that of relieving the distresses of the poor. The bill passed without any notice from the public, the system of silently and progressively correcting the abuses and ameliorating the condition of the clergy not being the species of reform which is in fashion.

Of the miscellaneous business which came before parliament during the session, it is only necessary to mention the expulsion of Mr Hunt, a member of that house, and treasurer of the Board of Ordnance, for having absconded, and leaving a balance of 93,296l. against him; and an order of the benchers of Lincoln's Inn, by which they refused to admit any person who had written for hire in the newspapers, to do exercises which should entitle him to be called to the bar. A petition against this order was presented from a gentleman who was aggrieved by it, and Mr Sheridan moved that it should be referred to the standing committee of Courts of Judicature. A speech of Mr Stephen's upon this occasion made a deep impression both upon the house and the country. "Was it," he said, "the principle of this regulation, that persons who had at any time written for a periodical press, and not written gratuitously, were, as such, universally unworthy of admission into an honourable profession? a reproach in which Johnson and Hawkesworth, Steele and Addison, would have been included, was more likely to reflect disgrace on its authors than its objects. Was it supposed that persons of that description were always destitute of education and liberal sentiments, or were, in point of origin and connections in life, if those were material circumstances, unfit for the society of gentlemen? Without admitting that writing for the periodical press, though a man's original occupation, and however long persevered in, would constitute any disparagement, cases might be put, in which, from accidental circumstances, a gentleman, originally destined to the profession of the law, might have been driven to engage in such an employment as a resource for his immediate subsistence, and continued in it, perhaps, but for a brief period, without much interruption of his professional studies; and yet by this harsh rule, his return to his professional path would be for ever cut off. I will, for

instance," said Mr Stephen, "suppose a young man, by family and education a gentleman, and from his earliest years designed for the legal profession, to be a member of Lincoln's Inn, regularly prosecuting his studies as a lawyer, and to have arrived at within a year and a half of the proper standing to entitle him to be called to the bar, when, by the death of his parents, and previous family misfortunes, he finds himself totally deprived of all present means of support. The resource which he might have found in the aid of near relations, is pre-occupied by fellow orphans; who, from their sex and tender years, are more helpless than himself; or perhaps he finds his heart too delicate or too proud for dependency. He has confidence enough in himself to think, that when the time comes that he can put on the gown, he shall find in it an ample resource. But what expedient can he possibly explore in the mean time for his subsistence? In this emergency, a literary friend, a man of character and honour, connected with one of the periodical prints, proposes to our young law student that he should undertake, as a temporary expedient, to conduct, for a liberal remuneration, one of the departments of his newspaper in which there happens to be a vacancy. He proposes, for instance, that of reporting the debates of this house; can it be doubted, sir, that if the rule now in question had not existed, such an offer would be joyfully accepted? Let us suppose it then to be so. During one session, our young student reports the debates of this house, and performs what he finds an arduous duty, with satisfaction to his own heart, recording honestly and impartially the deliberations of parliament, for the information of his country. At the end of a single year, he finds himself enabled, by the death of a relation and its consequences, to resign this employment and resume his professional path, and he is grateful to heaven for an intermediate occupation, which had not only rescued him from dependence and want, but improved his qualifications for future success at the bar. But when he petitions the bench of this society to be called, how sad would be his disappointment, how cruel would be his humiliation and distress, to find that this inexorable rule of the society has given a death-blow to his new-born hopes! How would his mind be stung when told that the expedient which he had regarded with self-complacency, as his honest refuge from dependency and distress, had covered him with indelible disgrace, and for ever barred against him the door of an honourable profession? Sir," said Mr Stephen, "I can conceive better than I can express what would be the anguish, and what the indignant feelings of such a man on such an occasion. The case that I have described is not imaginary; it really did exist, all but the rejection, which did not take place, because no such rule as that in question had then been made. In other respects the case is real. Thirty years ago, it was the case of the individual who has now the honour to address you. It is an incident of my life which I am much more disposed to be proud of, or, let me rather say, to be grateful for, to a kind disposing Providence, than to blush for. I should indeed blush to be supposed to be ashamed of it. I do not believe, that any gentleman in this house, or in my profession, will think meanly of me on this account; but should there be such a man, I hope I shall never hear of it, for I

should be tempted to hold him in more contempt than it is allowable for us frail beings to feel for any of our fellow mortals."

Mr Stephen, to whom the house always listens with respect, was never heard with deeper interest than on the present occasion. Not a voice was raised in favour of a measure so illiberal and so unjust as that of the benchers of Lincoln's Inn; and upon an assurance being given that the order would be repealed, Mr Sheridan withdrew his motion.

CHAP. VII.

State of the Dispute with America. Intrigues of the French in Canada. Capture of Guadaloupe, St Martins, and St Eustatius.

IT had been confidently asserted by the enemies of the administration, both in and out of parliament, that Mr Erskine had not acted contrary to his instructions in concluding his unlucky agreement with America, and that the documents which were withheld by ministry would prove this, if they were laid before the public. These documents were called for by Earl Grey in the Upper House, and by Mr Whitbread in the Lower. It was avowed on the part of go-
Feb. 1*t* vernment, that no inconvenience could now arise from producing them, and therefore there could be no objection to it.
Feb. 5. Mr Canning, who had objected to making them public when the publication might have been injurious, expressed his desire that they might now be printed. "As to the compact with America," he said, "Mr Erskine, in entering into that compact, had totally disobeyed his instructions. A question had then arisen between the two countries; the British cabinet being of opinion that the agreement ought to be annulled, the American, that it ought to be kept; he himself believed that good faith was to be kept up between the two nations only by a disavowal *in toto* of Mr Erskine's power to come to any such conclusion as he did." To this Mr Whitbread replied, "that as the right honourable gentleman had declared Mr Erskine guilty of disobeying his instructions, he hoped that when the papers were produced he would be competent to verify his assertions. For his own part he held a very different opinion, and pledged himself to show that the substance of the instructions had been strictly observed. It would then be for Mr Canning to show why he ran counter to the instructions which he had himself given."

The papers were accordingly printed. Several weeks elapsed, and then Mr Canning called upon
Mr Whitbread to make *April* 18. good his pledge. "Observations," he said, "had been made, intimating, that he had told a lie before that house, and in the face of the world, respecting the instructions which he, when in office, had given to Mr Erskine. The documents upon that subject had now been nearly two months before the house, and no proceeding was taken by Mr Whitbread in pursuance of the object for which he had required them. He therefore thought it necessary, after such an imputation had been cast upon him, to ask that gentleman, whether he meant

to bring forward any motion upon this question, and at what time?" Mr Whitbread replied, "that the pressure of public business had prevented him from reading the papers; he would examine them during the recess, and if they did not serve to dislodge his present impressions, he should certainly feel it his duty to submit a motion to the house." Upon this Mr Canning expressed a hope, "that he would either bring the matter under discussion, or state his reasons for declining it, so that the imputation of which he had reason to complain might not remain uncontradicted." Mr Whitbread replied, "undoubtedly," and added, "that he felt himself bound to apologize for the delay which had already taken place."

May 15. About a month afterwards, Mr Whitbread rose to confess, "that, on attentively reading the papers, he did think Mr Erskine had not complied with the letter of his instructions, and that any person who read them would form the same opinion. Yet, for his own part, he altogether agreed in Mr Erskine's vindication of himself, and thought that the spirit of the instructions had been complied with. But they appeared to him to have been drawn up without a due attention to the power vested in the executive government of America, and without adverting to the specific provisions of an act of congress. If Mr Canning had continued in office, he should perhaps have thought it right to make some motion upon the subject, thinking that a favourable opportunity of reconciliation with America had been lost by the rejection of Mr Erskine's arrangement. But as the negociation was still pending, and had lately been conducted in a manner perfectly smooth and satisfactory,—the more so because that right honourable gentleman was not in office,—he did not think it advisable to agitate the question at present. And as for Mr Erskine, he did not think it necessary that any specific motion should be made, as his vindication of himself was now before the world. He imagined Mr Canning also would be satisfied with his own exposition of his own case; if not, he or any member might make any such motion upon the subject as they thought proper."

Upon this Mr Canning, with natural and becoming warmth, appealed to the justice of the house. "On the last day before the holidays," he said, "the honourable gentleman, having before in no obscure terms hinted at the same thing, declared that he had asserted that which was not true, in asserting that Mr Erskine had acted contrary to his instructions. He was entitled to expect either that Mr Whitbread should support that declaration by arguments and facts in a manly manner, or, if he were convinced of its fallacy, come forward and candidly disavow it. The charge affected him most importantly, as touching the character of the country, and as traducing an individual. That individual he had neither traduced nor misrepresented. He had affirmed, and would fearlessly reaffirm, that Mr Erskine had acted in direct contradiction to his instructions, and had deviated both from their letter and their spirit; and this he was ready to establish whenever Mr Erskine's friends, or his own accusers, would give an opportunity. If Mr Whitbread were not more satisfied with the documents than he appeared to be, I must tell him," pursued Mr Canning, "explicitly, that I will accept of no compromise. Labouring, as I have done, so long and so anxiously, under cir-

cumstances of peculiar provocation, I have carefully avoided using a single word of unkindness or disrespect toward the individual who is the subject of these observations. But when so many months have elapsed after his return, during the whole of which time the grossest misrepresentations have been circulated against me, and when the documents which elucidate the whole affair are before the house, is it just that I should be left without an opportunity of publicly refuting, or a retractation of the charge? On the one hand, the discussion would enable me to prove the fallacy of the accusation; on the other, a frank avowal of that fallacy by my accusers, would prove to the world how unfounded had been the charge. I return the honourable gentleman, therefore, no thanks for the little mixture of candour in his observations; the fact is, he cannot, dare not maintain his original position: I am ready to meet him upon the subject whenever he chuses; and this is the reception which I give to his overture of passing the matter by without debate."

To such a speech there could be but one proper reply, and that required too great a sacrifice of party-spirit as well as of pride to be readily offered. Mr Whitbread made answer, he should not bring forward any motion, because he did not think Mr Erskine required any thing more to be said in his vindication; and he again declared, that he was ready to meet any motion of Mr Canning's upon the subject. Mr Morris began again to enter into the subject; and then Mr Canning, saying, that while a regular charge of official misconduct was brought against him, the discussion was studiously divested of the forms of debate, put an end to what he felt to be a disingenuous proceeding, by speaking to order.

It was only upon this and a few prior occasions, when the imputation of which he so justly complained was cast upon Mr Canning, that America was mentioned in parliament during the session. The opposition, indeed, had worn the theme thread-bare, and abstained from a topic to which it was no longer possible to attract the public attention even in the smallest degree; this alone would have kept them silent, even if they had not felt conscious how fallacious their own predictions had proved. The very newspapers, when a mail from America arrived, hurried over its contents; or if they felt it necessary to enter into them at any length, confessed that they entered reluctantly upon a task which would afford no gratification to their readers. Every one, indeed, wished that the disputes between the two countries were brought to an amicable conclusion; but every one saw that the temper of the ruling party in America was such as gave no probability of this, and the subserviency of the American government to Buonaparte was so palpable and so abject, that any indignation which the English people might otherwise have felt, was precluded by contempt.

Early in the year the legislature of Massachusetts made their protest against the measures of the general government. "With the view of an empty treasury," *Feb. 8.* they said, "and an abandoned commerce, it is impossible to overlook the defenceless state of the country. While the American flag will be driven from the ocean, our ports would be at the mercy of the most formidable navy that ever existed;

and before our fortifications or armies could be in a situation to sustain the first assaults of the enemy, our cities might be buried in ruins, and our sea-coast exposed to inconceivable distress. As the miseries of such a war would be incurred without adequate motive, they must be sustained without a possible chance of indemnity. On the ocean Britain is at present invulnerable: it is only on the side of Canada that the American arms could come into actual collision with her dominions; and if the chances of war, after a profusion of blood and treasure, should enable the United States to add to their territory, already too extensive, this province of Frenchmen, what would be the value of the acquisition, and for whom would it be acquired? To hold it as a colony, would be inconsistent with the genius of our institutions. To adopt it as a free and independent state, would be equally repugnant to the habits and wishes of that people. Under what pretext could we retain this ancient and favourite appendage to France, claiming it as her legitimate estate, with the voices of a great majority of its inhabitants to second her pretensions? It is morally certain that Canada, conquered by the United States, would, under the patronage of France, become a northern hive, pouring out successive swarms of Goths and Vandals, which, in alliance with the savage tribes, would encompass the Union with a belt,—a favourite project of the ancient monarchy, which probably has never been relinquished." The legislature of Massachusetts did not, however, (in their own words) "disguise their belief, that neither an exhausted treasury, nor a ruined commerce, nor a depopulated sea-coast, nor the miseries of a war without a possibility of success, or definition of object, would constitute the principal disasters of a rupture with Great Britain. The spirit and resources of the country," said they, "are, under the blessing of Providence, sufficient for its defence; but the consummation of the public calamities would be found in an alliance with that desolating and gigantic despotism, which has crushed the governments and subverted the liberties of Europe, and whose genius is not more hostile to every republican institution, than to the spirit of commerce, by which such institutions are cherished and preserved. Nothing but a mysterious infatuation can induce an administration to seek an alliance with a government whose hostility to the United States has been manifested, not merely in misconstructions of doubtful points of national law, and in the unguarded expressions of its public ministers, but in an open violation of treaties and contempt of neutral rights; not merely in illegal captures and casual injuries, for which no reparation has been offered, but in an unvaried series of insults and aggressions, of sequestrations of property upon land, and of plundering and burning our ships upon the ocean; not merely in the impressment of seamen claimed as her own subjects, but in the captivity and confinement in dungeons of our acknowledged citizens, without colour of pretence. The calamities of such a war would be indeed aggravated by the dangers and infamy of such an alliance; and our success, could it reasonably be expected, would hasten the period in which we should find ourselves compelled, without any intervening barrier, to grapple on our own soil with an enemy who has long made war upon us in every possible form except that of actual invasion, and who re-

serves his most faithful allies for his most exemplary victims."

Conformably to the spirit of this report of their committee, the legislature passed resolutions, saying, "that, after a deliberate examination of the correspondence with Mr Jackson, they could perceive no just or adequate cause for the manner in which it had terminated; that the system of commercial restraints had been in the highest degree pernicious to the country, and especially to their commercial state; that the whole of this impotent system had become a subject of derision with those whom it was intended to coerce, and that its mischiefs had recoiled upon themselves; that the temporary suspension of these restrictions proved the means which existed for pursuing a highly lucrative commerce even under existing embarrassments; during that interval all their shipping was employed, and their navigation experienced civility and protection from the British cruizers, while it was constantly annoyed by the depredations of France and her allies. Finally, they declared that a war with Great Britain would inevitably lead to an alliance with France, and thus," they said, "furnish to her ambition the means and the pretexts for organizing within the United States the materials and instruments for schemes of future domination. Those materials unhappily abound in the northern frontier, and in our newly-acquired territory in the south. From such a contest the United States, if unsuccessful, would be compelled to retire with a disgraceful surrender of the objects of the war; or if successful, by the contributing to the downfal of Britain, would be left alone to encounter a power who, when unopposed by the navy of his present enemy, would call into requisition all the resources and energies of our solitary republic to defend, in doubtful conflict, our liberties upon our own shores."

Meantime the American government formally required of the British court the recal of its minister. Marquis Wellesley's reply was in that conciliatory temper which has been manifested on the part of Great Britain throughout this long dispute. "The usual course," he said, "would have been to have conveyed, in the first instance, to his majesty a formal complaint against his minister, and to desire such redress as might be deemed suitable to the nature of the alleged offence. This course of proceeding would have enabled his majesty to have made such arrangements, or to have offered such seasonable explanations, as might have precluded the inconvenience which must always arise from the suspension of official communication between friendly powers. His majesty, however, being always disposed to pay the utmost attention to the wishes of states in amity with him, had been pleased to direct the return of Mr Jackson to England, ordering him to deliver over the charge of affairs to a person properly qualified to carry on the ordinary intercourse between the two governments, which the king was sincerely desirous of cultivating on the most friendly terms; but he had not marked with any expression of displeasure the conduct of Mr Jackson, whose integrity, zeal, and ability had long been distinguished, and who did not appear, on the present occasion, to have committed any intentional offence against the government of the United States."

This was received by the American government with their usual ungraciousness, and they complained in their journals, that Mr Jackson had re-

ceived no mark of displeasure from his own court, and that a minister of equal rank had not been immediately appointed to succeed him. But the effects of the non-intercourse act were felt so severely by the finances as well as by the people, that after various mortifications and discussions, an act was passed, forbidding the armed ships of either Great Britain or France to enter any of the
May 1. American ports, and thereby implying that merchant vessels were to be admitted: it declared also, "that in case either Great Britain or France should, before the 3d of March in the ensuing year, so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States, which fact the president should notify by proclamation, and the other nation did not, within three months thereafter, repeal her obnoxious decrees in like manner, then the non-intercourse act should revive with respect to that nation." This was considered in America as a great triumph over the French party, and so sensible were the government of this, that more than three months elapsed before they made any formal communication of the decree to the government of France; a delay which the best political writer among the Americans imputed to "that reluctance which men feel at communicating unpleasant information to one, whose power is dreaded, and whose temper is irritable."

This same writer has justly remarked, that the president and his party were "timorous as women in their relations with France, froward as children toward Great Britain." On the 14th of May, a decree was published at Paris, bearing date from Rambouillet, March 23d, and declaring, "that all vessels under the flag of the United States, or owned, either in whole or in part, by an American subject, which, since the 20th May, 1809, had entered or should thereafter enter any of the ports, either of the empire or colonies of France, or of the countries occupied by the French armies, should be confiscated, and the produce deposited in the *caisse d'amortissement*, or sinking fund." The decree pretended to be an act of reprisal for the non-intercourse act, and under this impudent pretence, all the American property within reach of Buonaparte was seized. But the spoil had begun long before it was thus legalized by the imperial robber: the American ships in the Tuscan and Neapolitan ports had already been seized, and even the nominal governments of those countries had interfered, and sent deputations to Paris to solicit restitution of the plundered property; so flagrantly unjust was the measure, and so injurious to them as well as to the Americans. General Armstrong, the minister of the United States at Paris, remonstrated against these proceedings; he claimed amends in vain for the property which Admiral Bouden had destroyed, burning four American ships at sea, having first taken their cargo, which was afterwards sold, and the proceeds shared, as in cases of ordinary capture; and he complained of an individual case, which was peculiarly iniquitous. The American government, unable to make remittances in payment of their national debt to their public creditors in Holland, by the ordinary mode of bills of exchange, contracted with some of their own merchants to make it in tobacco, which was accordingly shipped for Tonningen, in Denmark, to be sold there, and the

net proceeds placed in the hands of the American bankers at Amsterdam. The ship sailed with a certificate from her own government, that the voyage was undertaken for the purpose of effecting a national remittance; she put into the Texel in distress, and was there taken possession of by a French privateer.

In reply to these complaints, M. Champagny (a man too infamous for the part which he bore at Bayonne, to have that name cloaked under his title of Cadore,) informed the American minister, that as soon as Buonaparte was informed of the non-intercourse law, it became his duty to retaliate, and these ships had been seized because the Americans seized French vessels. In this answer there were two direct falsehoods; no French vessels had been seized in America, and the non-intercourse law had been known by Buonaparte nine months before these pretended reprisals were made. General Armstrong was told also, that the United States had nothing to complain of against France. "What," said he, in his official reply, "is the capture and condemnation of a ship, driven on the shores of Holland by stress of weather and the perils of the sea, nothing? Is the sequestration of so many cargoes brought to France in ships violating no law, and admitted to regular entry at the imperial custom-house, nothing? Is the violation of our maritime rights, consecrated as they have been by the solemn forms of a public treaty, nothing? In a word, is it nothing that our ships are burnt on the high seas, without any other offence than that of belonging to the United States? Surely, if it be the duty of the United States to *resent* the theoretical usurpations of the British orders in council, it cannot be less their duty to *complain* of the daily and practical outrages on the part of France." Injury was heaped upon injury. The American captains at Naples, though deprived of all means of subsisting themselves, were obliged to subsist their crews, consisting of about 300 men, and were menaced with a farther exaction for port-charges. "This," said General Armstrong, "is, in the language of one of the sufferers, literally to strip them naked, and then demand from them the expence of doing so." Our English papers commented with due severity upon this new instance of Buonaparte's public faith. "Some new name," they said, "was required to designate it; piracy would not do, neither would the mere term robbery suffice; it was a non-descript kind of iniquity, never executed by any civilized government from the foundation of the world. And it was well remarked, that whether the Americans might now be provoked to make war upon France or not, France was actually making war upon them in the only way she could; for as to capturing their vessels upon the high seas, England disabled her from that, and she could only seize them when they were decoyed within her reach."

March 10.

The property seized amounted to more than an hundred millions of franks, a sum of which the magnitude alone, the American minister observed, rendered hopeless all attempts at saving it. General Armstrong expected that these new wrongs would compel his government to manifest a proper resentment. "If," said he in his dispatches, "I am right in supposing the emperor has definitively taken his ground, I cannot be wrong in concluding that you will immediately take yours." But Buonaparte well knew with whom he was dealing,

and that while America was ruled by a party so entirely devoted to him, he might insult, and injure, and plunder the Americans at his pleasure. He had a double object in view, to replenish his treasury by confiscating their property, and to draw them into a war with England; and he continued steadily to pursue the first object, by confiscating American property, under the pretext of reprisals, for six weeks after the act of congress, by which the pretext of reprisal was done away, had been published in the Moniteur. On the fifth of August, Champagny addressed a letter to General Armstrong, saying, "that the emperor had only then been apprised of the act of the first of May, and that he could have wished that both this and the other measures of the American government which relate to France had been officially communicated to him, for in general he only became acquainted with them by indirect means long after their date; and from this delay serious inconvenience resulted, which would not have occurred had there been a prompt and official communication." The French government has so long proceeded upon a deliberate system of lying whenever it suits its purposes, that a direct falsehood like this, which Buonaparte put into his minister's mouth, excited no surprise, and scarcely any indignation. M. Champagny proceeded to state, that the emperor approved of the embargo, although it had cost him Cayenne and his sugar islands; but there was nothing in that act offensive to the honour of France, and he made this sacrifice without a complaint, to the principle which inspired the Americans with the noble resolution of interdicting themselves the use of the sea, rather than submit to the laws of those who wish to become its tyrants. But the non-intercourse act was particularly injurious to France; it interdicted to American vessels the commerce of France, while it authorised a trade with countries under French influence, and denounced confiscation against all French vessels that should enter the ports of America. Reprisal was a matter of right; the dignity of France, which it was impossible to compromise, required it, and the sequestration of all the American vessels in France was the necessary result. "At present," pursued M. Champagny, "the congress treads back its steps. It revokes the non-intercourse act. It engages to oppose such of the belligerent powers as shall refuse to recognize the rights of neutrals. In this new state of things, the decrees of Berlin and Milan are revoked, and from the 1st of November they will cease to be in force; it being understood that in consequence of this declaration the English shall revoke their orders in council, and renounce the new principles of blockade which they have attempted to establish, or that the United States, conformably to the act of May 1st, shall cause their rights to be respected by the English." The French minister concluded in these words: "It is with the most particular satisfaction that I inform you of this resolution of the emperor. His majesty loves the Americans. Their prosperity and their commerce enter into the views of his policy. The independence of America is one of the principal titles of the glory of France. Since that epoch the emperor has felt a pleasure in aggrandizing the United States; and in all circumstances, whatever contributes to the independence, the prosperity, and the liberty of the Americans, will be regarded

by the emperor as conformable to the interests of his empire."

The proofs which Buonaparte had given of his love for the Americans were not less unequivocal than his wishes for the independence, prosperity, and liberty of any country in the world. Yet notwithstanding this mockery, Mr Maddison thought proper to accept the promised revocation, as if there had been no impossible condition annexed to it of a surrender on our part of our maritime rights; and accordingly, on the 2d of November, he issued a proclamation, declaring, that France having withdrawn her obnoxious decrees with respect to America, all restrictions imposed by previous acts should cease and be discontinued in relation to France and her dependencies. A circular notice was issued at the same time to the different ports, giving orders that if Great Britain did not in like manner revoke or modify her edicts violating the neutral commerce of the United States by the 2d of February next, from that day the interdict should be enforced against her. When the president communicated these proceedings to congress, he remarked that it would have well accorded with the conciliatory views which France had manifested, if the confiscated property had been restored. Such a measure was expected, but the expectation had not been fulfilled. The chief cause of complaint upon which he insisted against England, was not the orders in council, issued in consequence of the Berlin and Milan decrees, but the previous act of Mr Fox's administration, enforcing what he called a novel and illegitimate blockade; so that unless Great Britain would permit the enemy to carry on their trade from port to port along their whole line of coast under the American flag, there seemed no means of terminating our dispute with America, and at the year's end no progress had been made in this endless negociation.

Dec. 5.

"What," said Mr Emott in congress, "has been the effect of the restrictive laws on the British provinces? Let the merchants of the trading towns of the Hudson answer you. Before the embargo, the Canadas were in a sickly state; they are now healthy and flourishing. Formerly their chief trade was with the Indians and for furs; now they are rivals in your own business with your most commercial states. While our capital and enterprise has been decreasing, theirs have been increasing; and in proportion as our trade has been hampered and diminishing, the commerce of the British provinces has been fostered and extended itself. There is no deception in this; many of the trading towns in the interior of the state which I have the honour to represent will be my witnesses. Ask their merchants why they are idle and about to remove, and they will answer you, that you have driven their customers and their business to Canada, and that they must follow them." Canada is perhaps at this time the most flourishing part of the world; every commercial difficulty in which Great Britain has been involved has only occasioned a greater demand for her produce, and opened new markets for her merchants: the people are under a government as mild as our own; they enjoy the full benefit of our protection and our free trade, and bear no part of our burdens; but though it has been in our possession for half a century, no measures have been taken for making the English language the mother tongue of the

people, and till that is done they will continue to regard themselves as under the yoke of strangers. Of this France is sufficiently aware; the ambition of that government is always well seconded by the zeal and address of its emissaries; they inflamed the spirit of disaffection which already existed, and they used the liberty of the press as an engine for overthrowing the only government in the world under which it is enjoyed, except the American,—a branch from the same root. These machinations were discovered in time, and the most conspicuous *March* 20. leaders of the factious apprehended. The proclamation which General Craig published upon this occasion was singularly eloquent and affecting. After noticing the folly and the falsehood of their complaints of oppression, "For what purpose," said the veteran governor, "should I oppress you? Is it to serve the king? Will that monarch, who during fifty years has never issued one order, having you for its object, that was not for your benefit and happiness; will he now, beloved, honoured, adored by his subjects, covered with glory, descending into the vale of years, accompanied with the prayers and blessings of a grateful people,—will he, contrary to the whole tenour of a life of honour and virtue, now give orders to his servants to oppress his Canadian subjects? It is impossible that you can for a moment believe it! You will spurn from you, with just indignation, the miscreant who will suggest to you such a thought. Is it for myself, then, that I should oppress you? For what should I oppress you? Is it from ambition? What can you give me? Is it for power? Alas! my good friends, with a life ebbing not slowly to its period, under the pressure of disease acquired in the service of my country, I look only to pass what it may please God to suffer to remain of it in the comfort of retirement among my friends. I remain among you only in obedience to the commands of my king. What power can I wish for? Is it then for wealth I would oppress you? Inquire of those who know me whether I regard wealth. I never did, when I could enjoy it; it is now of no use to me: to the value of your country laid at my feet, I would prefer the consciousness of having contributed in a single instance to your happiness and prosperity. These personal allusions to myself, these details, in any other case, might be unbecoming and beneath me; but nothing can be unbecoming or beneath me that can tend to save you from the gulf of crimes and calamity into which guilty men would plunge you."

Canada was not the only place where the French were intriguing to recover their lost colonies. The people of Martinique were discontented, as the British government were warned that they would be, by the impolicy (to use no harsher term) which excluded their produce from the British market.* General Ernouf, the governor of Guadaloupe, was well aware of this, and failed not, by means of his emissaries, to foment a disposition, which, by finding employment for the British force, might delay or avert the danger that he apprehended to himself; for he well knew that the French would not long be left in quiet possession of their last and strongest island. His government knew this

* See our last year's volume, p. 384.

also, and relying on the strength of Guadaloupe if it were sufficiently garrisoned, they made every effort to throw in succours, generally by means of single ships. Four of their vessels, however, were fortunate enough to effect their escape out of harbour together; two were frigates of 48 guns, carrying 300 men each, the other two ships of the same size, armed *en flute*, with 20 guns each, and having on board 400 troops with military stores. Captain Shortland, in the Junon frigate, with the Observateur brig in company, fell in with them about 150 miles to the windward of Guadaloupe; they were under Spanish colours, and answered correctly the Spanish private signals which he made. Being thus deceived, he stood toward them, but when he came within gun-shot he began to suspect his danger, and gave orders to put the ship about. At that moment French colours were hoisted, and a broadside poured into the Junon, which killed the man at the helm; the one who took his place did not correctly hear the orders, and the ship in consequence, instead of running between the two headmost frigates, sheered on board one of them, and was immediately closed by the other on the opposite side. It was no longer possible to escape, and all Captain Shortland could do was to maintain the conflict to the utmost, and give the enemy sufficient employment to prevent them from pursuing the brig. He had only two hundred men: the two larger frigates lay one on each side of him; of the others, one had passed her bowsprit over the Junon's starboard, the other over her larboard quarter, and a most destructive fire was poured in from all sides, the muskets of the troops being particularly galling. Captain Shortland attempted to board, but the boarding party were almost all cut off by a general volley directed against them. It was long before the enemy ventured to make the same attempt; they were three times repulsed in it; at length, however, they succeeded, and after an action of an hour and a quarter, the Junon struck. Ninety of her men were killed and wounded, and the hull so complete a wreck, that the enemy set fire to her the next day. The captain was dreadfully wounded, his head being the only part about him unhurt; it is not known that any man ever received so many severe wounds in one action: to the last moment he had headed the men, with a pike in his hand, till a langridge shot laid him senseless on the deck. He was carried on board the French ship with great difficulty, a very heavy sea running at the time; there he was placed in the captain's cabin, but upon a false alarm that an English frigate was in sight, the French cleared for action, and he was removed into the gun-room. These removals increased his sufferings, and the enemy being obliged to run into a small creek for fear of the English instead of entering Basseterre, he was carried in an open canoe under a scorching sun 13 miles to the hospital.

Dec. 13. 1809.

His right leg was amputated above the knee; there was, however, little hope or possibility of his recovery. On the part of the French medical staff, every thing was done to alleviate his sufferings. General Ernouf, it is said, never offered him a single comfort, nor sent a single message of complimentary inquiry or condolence; he gave orders, however, that every military honour should be paid to his re-

mains, when after six weeks suffering, during the whole of which time he had never been able to sit up in his bed, this brave man was released by death. Captain Shortland's request was, that no catholic priest, nor any emblem of the catholic religion, might be seen at his funeral; for he was especially anxious to have it known, that though it was his lot to die among catholics, he died a firm and fervent believer in the protestant faith. Accordingly, a British union-jack was used for his pall,—no fitter could have been devised for such a man, and the funeral service was performed by the purser of the Junon.

The prisoners taken in the Junon were immediately exchanged; for Buonaparte could not afford in the islands to condemn his own soldiers and seamen to life-long imprisonment, for the sake of gratifying his hatred of the English, as he does in Europe. In one of the cartels, General Ernouf sent two officers to Martinique to organize the intended insurrection, which was to begin when the garrison was weakened, by having part of its force embarked against Guadaloupe. The project was detected by the English governor just when the last ship of war was working out of the bay to join the expedition, and in time to recal her. The prisoners were immediately confined in the fort, and the guns turned upon the town; and the emissaries being seized and their whole plans discovered, the island was made as secure as it could be under its unfavourable and hopeless circumstances.

The action in which Captain Shortland received his death-wounds has never been surpassed in the annals of the British navy. He knew that it was impossible to escape; but he hoped that, by resisting to the last, the enemy might be prevented from pursuing the brig in his company, and that the intelligence might thus be communicated of the French squadron. On the third day after the action, the Observateur reached Martinique. Admiral Cochrane immediately put to sea, but the brig had spoken with one of our light squadrons on the way, and when the Admiral, having obtained intelligence that two of the French frigates were in Ance le Barque, to the N. and W. of Basseterre, *Dec.* 18, 1809. arrived there with the intention of attacking them, he found the squadron under Captain Ballard, of the Sceptre, ready to commence the attack. The two frigates were those which were armed *en flute*; they were moored with their broadsides toward the entrance of the bay, and protected by several batteries: the batteries were stormed, and the enemy deserted their ships and set fire to them. The log-book of one was found, and it bore a high but unintended testimony to the gallantry with which the Junon had been defended; for it was alleged as a reason why the Observateur had not been pursued, that they could not spare one of the frigates for that purpose.

The preparations for attacking Guadaloupe were completed about the middle of January; the troops under Lieut.-General Sir George Beckwith, the naval force under Vice-Admiral Sir Alexander Cochrane. The first division, under Major-General Hislop, anchored at Gosier, landed without opposition at the village of St Marie, on the evening of the 27th, and marched onwards to Cabesterre, on the road to Trois Rivieres.

The second division, under General Harcourt, made a feint against Trois Rivieres, which prevented the enemy from making a stand at the difficult pass of Trochien; and having effected this, it was landed to the north of Basseterre, near the River du Plessis, about three leagues from the town. The reserve, under Brig.-Gen. Wale, remained at St Marie, to cover the landing of the provisions and stores; and having done this, it joined the first division at the Three Rivers. The enemy abandoned their batteries just as the British advanced; and finding their right threatened by General Hislop, they abandoned also their works at Palmiste and Morne Houel: this latter position being of great importance, was occupied by General Wale. On the morning of the 3d, General Hislop marched from Palmiste, and crossed the river Gallion at the only practicable pass. One of his brigades took post about a mile from the bridge of Noziere, on the river Noire; the other occupied a house where the French had abandoned a magazine of provisions. The enemy meantime had retired beyond the bridge, having the Black River in their front, and their left extended into the mountains, so as to render the position secure. Their main object had been to defend the passage of the river, and Sir George Beckwith perceived that it was necessary to attack their left wing by the mountains, difficult as the attempt was, from the nature of the ground, and the means of defence which had been provided. General Wale was sent upon this service.

The River de la Pere was to be crossed. General Wale found a guide who pledged his life that he would guide him across by a route which was less than half the length of that marked in his orders; there was no time to consult the commander-in-chief, but this officer did not hesitate to profit by such important intelligence, and Sir G. Beckwith approved afterwards entirely of his decision. The road was too difficult to be attempted in the dark; an immediate attack therefore was resolved on. General Wale forced the pass of the river, notwithstanding the natural advantages of defence which it afforded had been well improved by every obstruction which the French could place there, and by *abbattis* lined with troops. The British marched about 100 yards through brakes and bushes on the farther bank, the front companies then branched into three columns, and rapidly ascended the heights; as they approached the summit the ascent became steeper, and a destructive fire from 500 of the enemy's best troops was poured down upon them. But they gained the summit, and finding the French posted behind *abbattis* and stockaded redoubts, advanced to them, reserving their fire till they were within five-and-twenty yards, then closed with them, and put them to flight in a few minutes. The whole action, from the time the passage of the river had been won, continued an hour and a half; it was exceedingly severe, from the nature of the ground. General Wale was wounded, so also was Major Henderson, who first ascended the heights, and four captains; four lieutenants were killed, and above eighty men killed and wounded. This exploit decided the campaign; no sooner had General Ernouf perceived that his flank was turned, and the heights in possession of the British, than he hoisted the white flag. The troops surrendered prisoners of war, to be

sent to England. The French part of the island of St Martins was included in the capitulation. Commodore Fahie took possession of it on the 14th, and the Dutch governor yielded the other part before night. The commodore then sailed for St Eustatius, which surrendered without resistance; and thus the enemy were deprived of their last possession in the Columbian islands.

CHAP. VIII.

Rise, Progress, and Termination of the Disturbances at Madras.

OUR arms were equally successful in the Indian as in the Caribbean seas; but the British conquests in that part of the world were preceded by an unexpected naval loss, and by events of the most alarming nature to our Indian empire. In March 1808, Sir George Barlow, then governor-general of Madras, received orders to carry into effect certain military reforms, for the purpose of reducing the expences of the presidency, which every year greatly exceeded its revenues. One of these retrenchments was the abolition of what is called the Tent Contract. By this contract, which was established in 1802, every officer received a certain monthly allowance to provide himself with camp equipage, and the commanding officers of the native troops received in like manner an allowance for providing the camp equipage of their corps. These allowances were calculated upon the supposition, that what the officers saved in time of peace, would indemnify them for the losses incident in war.

In all our Indian wars, there had always been found the most serious difficulty in providing for the draught and carriage of the army; operations of the greatest importance having often been retarded by this cause, to the imminent hazard of their failure. The movements of Hyder and Tippoo were as expeditious as ours were dilatory, because an establishment of public cattle formed part of the military system of the Mysore government. Upon the conquest of Mysore, the British government continued and extended this important branch of the commissariat. These cattle were only employed in drawing artillery; but it was thought that the same system might advantageously be extended, and the camp equipage conveyed in the same manner; and in 1807, Sir John Craddock, the then commander-in-chief, informed the quarter-master-general, Lieutenant-Colonel Munro, that having long given his attention to the subject, he was convinced that the tent contract was founded upon an erroneous system, both as relating to public economy, and also to the equitable indemnification of commanding officers through the vicissitudes of peace and war; he therefore required the quarter-master-general to take the subject into his special consideration, and draw up a plan which should secure the two essential points of efficiency and economy, for unless these points could be secured, he would not disturb the existing arrangements. Colonel Munro accordingly prepared a statement in obedience to this order. His opinion coincided with that of the commander-in-chief. "Six

years experience," he said, "of the practical effects of the existing system of the camp-equipage equipment of the native army, had afforded means of forming a judgement relative to its advantages and efficiency, which were not possessed by the persons who proposed its introduction." Among the observations which an attentive examination of its operation during six years had suggested, he remarked, that "it incurred the expence of placing the whole army in a state of complete preparation for field movements, in respect to camp equipage and regimental stores, while a great part of the native army must, from inevitable circumstances, be at all times in garrison, in a situation where those equipments are entirely unnecessary;" that, "by granting the same allowances in peace and war for the equipment of native corps, while the expences incidental to that charge are unavoidably much greater in war than in peace, it placed the interest and duty of officers commanding native corps in direct opposition to one another; made it their interest that their corps should not be in a state of efficiency fit for field service, and therefore furnished strong inducement to neglect their most important duties;" and that, "by charging them with extensive concerns immediately affecting their private interests, it was calculated, particularly in the field, to divert their attention and their pursuits from the discipline and management of their corps, objects that should furnish them with sufficient employment for the whole of their time." This report Sir J. Craddock laid before the government, expressing his entire concurrence in its sentiments, and saying, that "they were the result of their joint reflection on the subject, and were the issue of that experience which arose from their respective situations."

Two other military arrangements were part of the reform. One was the discontinuance of what were called subordinate commands. The officers appointed to these commands possessed a considerable share of civil and political power, but the changes which had taken place in India rendered such appointments no longer necessary, and when they ceased to be necessary, they became injurious; but the officers had always been desirous of obtaining them, and the diminution of them from between 40 or 50 to 5 or 6, was subtracting so many prizes from the lottery in which they had embarked. The other related to the Bazar allowance. A tax had formerly been levied upon articles sold in the Bazars, or markets of military stations, the commanding officers generally regulating the amount, and taking the whole to themselves. This abuse had grown into a custom. In 1796, it was abolished in Bengal, but it continued in Madras till 1802, when it was abolished there also, as "a system not less incompatible with the preservation of military order, than with the rights conferred on the native subjects of the empire under the protection of the civil tribunals." As an act of indulgence, it was then resolved that certain duties should be collected under the civil authorities, and divided in prescribed portions among the officers, who had been accustomed to consider the old exactions as their right; but it was now thought proper to withdraw this allowance. These measures were all advised by the commander-in-chief, Sir J. Craddock, and received the entire approbation of the then governor, Lord William Bentinck: they recommended, at the same time, that a

certain compensation should be granted for these various reductions.

Shortly afterwards a change in the Madras administration took place. The government devolved on Mr Petrie till Lord William Bentinck's successor should arrive, and Sir J. Craddock was succeeded by Lieutenant-General Macdowall. But the Court of Directors having passed a resolution, that the commanders-in-chief at the subordinate presidencies should not hold a seat in council, General Macdowall did not succeed to all the privileges of his predecessors. Mr Petrie concurred entirely in the reforms which the preceding government had proposed; and when Sir G. Barlow entered upon his office, he received orders to carry them into effect. At the same time, in pursuance of Sir J. Craddock's advice, a certain compensation was decreed. He had recommended that commanding officers of corps should in time of peace receive the full batta of their rank, and when in the field the full batta of the next superior rank; that the full batta of the next superior rank should be drawn by officers holding government commands; and that officers commanding two or more corps should receive brigadiers allowance both in garrison and camp. The supreme government did not sanction this brigadiers allowance during peace; but at Sir G. Barlow's particular recommendation, the Madras government took upon themselves to grant it, subject to the confirmation of the Court of Directors. Upon this occasion General Macdowall expressed his satisfaction at the liberality of the government, and his opinion that the army had cause to be satisfied.

But neither the officers nor the general himself were satisfied. The officers were desirous that the coast army should be placed on the same allowances as the army of Bengal; and with the view of obtaining this, they proposed an address to the governor-general of India, Lord Minto, stating that it was scarcely possible, with the most rigid economy, to make their present pay and allowances suffice; that the Court of Directors had declared they would put them on the same footing as their fellow soldiers in Bengal; and that "having patiently waited in anxious and respectful silence, hoping that a claim founded on impartiality and justice would have attracted the favourable notice of their superiors, they trusted that their long forbearance would give additional weight to a cause, where the interests, future prospects, and welfare of so many were deeply concerned." This address was circulated for signatures, and privately communicated to General Macdowall, who sent it to Sir G. Barlow, with a letter equally explicit of his disapprobation of the proposed measure, and of his own discontent. "Having no recollection," he said, "of any such intention being entertained by the court, or of any promise upon the subject, he presumed that the officers were acting under a mistaken notion; but in any event it would demand the most serious deliberation, to effectually check the spirit of remonstrance. Many people," he continued, "are likely to view the present application as a futile and puerile attempt, and unworthy of further notice; but my judgement and experience lead me to believe that the seeds of discontent are very widely disseminated, and almost every individual in the service is more or less dissatisfied. Every man must be sensible of the causes which have led to this position. The abolition of the Bazar fund first, and

lastly the degradation of the military character, from the commander-in-chief to the youngest ensign; the late reductions, and especially the abrogation of the tent contract, are, among others, prominent features; and I must lament the expediency which occasioned these disgusting measures."

His own feelings could not be more clearly expressed. General Macdowall, however, did his duty upon this occasion. He addressed a circular letter to the officers commanding the principal divisions of the army, saying, "that from whatever quarter the address had arisen, no doubt could be entertained of the propriety of adopting the earliest measures for checking such proceedings. He was not aware of any order or declaration of the Court of Directors, such as the memorial alluded to; on the contrary, that court had in numerous instances rejected claims, both in the civil and military branches of the service, founded on a comparison of the allowances at the different presidencies; and they had repeatedly prohibited the agitation of questions calculated to establish the principle on which the present claim was founded. But the memorial was liable to other serious objections; it was a direct breach of the orders of government, which prohibited under the strongest injunctions the publishing of any address to the army, or to any division of it, without previous sanction. It was therefore incumbent on the commander-in-chief to exert his authority for the suppression of this memorial, and for bringing to punishment those who had been most active in supporting it, if unhappily it should be brought before him in such a form as might render it necessary for him to take the subject into public deliberation."

May 26. 1808.

It had been well if General Macdowall's subsequent conduct had been governed by the same principles; but his exclusion from the council was rankling in his breast, though he had accepted the command under that condition, and this disposed him but too much, first to lend an ear to the complaints of the army, and afterwards to make common cause with them. A copy of the quarter-master-general's memorial concerning the tent contract became public; the officers who had enjoyed the benefit of this contract took offence at the reasons which he had alleged, and presented a formal charge against him to the commander-in-chief, accusing him of "conduct unbecoming the character of an officer and a gentleman, for having, in his proposed plan for the abolition of the tent contract, lately held by officers commanding native corps, made use of false and infamous insinuations, thereby (such were the words) tending to injure our characters as officers, and otherwise injurious to our reputations as * gentlemen." Four-and-twenty officers signed this charge, and upon these grounds General

* It is worthy of remark, that one of the warmest advocates of the Madras army, who enters fully into their complaint, that the tent contract was *repealed* on an implied distrust of the honour of the army, expressly states that it was *founded* on the same feeling. "Marquis Cornwallis," he says, "supposed that if he could give certain individuals a particular interest in the equipage, and the cattle necessary to convey it, such circumstance would operate more powerfully than the influence of mere duty to the preservation of those objects."

Macdowall placed Colonel Monro under arrest. The quarter-master-general immediately addressed a letter to the chief secretary of government, which he enclosed to the commander-in-chief, that it might pass through his hands, conceiving, as he said, that every officer holding a situation under the government was entitled to appeal to it on points connected with his public conduct, and involving considerations connected with the authority and the measures of government. General Macdowall refused to forward the appeal, saying, that in a question purely military, and which rested entirely on his own judgement, he could not compromise the high situation in which he was placed. The present attempt to make a reference to a civil governor was unexampled, he said, and could not be sufficiently reprobated, as striking a blow at the root of military authority. He had the uncontrouled and unalienable right of judging of the conduct of every officer under his command, and could not but view the present application as extremely indelicate and disrespectful. Upon this Colonel Munro appealed directly to the government, saying, he should never have taken this step had the subject been purely of the military nature which the commander-in-chief was pleased to state.

In consequence of this appeal, General Macdowall was informed by the chief secretary, that the act upon which the charge against Lieut.-Col. Munro was founded was now the act of government, having been approved and adopted in the most formal manner; and that the governor in council never could give his concurrence to the exposure of a public officer to obloquy and degradation for opinions which he had expressed in the fulfilment of his public duty, approved and confirmed as those opinions had been by every competent authority. It was farther observed, that some previous communication from the commander-in-chief might have been expected, since it was impossible that this business could be brought under the cognizance of a court-martial without involving a discussion and trial of the public measures of the government; the governor also declared, that he could not but deeply feel the sentiments which his excellency had expressed in some part of the papers which were before government; but waiving all considerations of that nature, he earnestly recommended that Colonel Munro should be released from arrest. General Macdowall replied, that he could not comply with this recommendation; the question was strictly military, and he could not evade bringing it to issue without compromising the honour of the whole army. He added, that he should direct a charge to be exhibited against Colonel Munro for disrespect to the commander-in-chief, in presuming to address government, it being contrary to established order, subversive of military discipline, and in opposition to the custom of the service. The government then issued an order that Colonel Munro should be released.

Thus far the government had behaved with remarkable temper and forbearance. It had even erred on the side of forbearance, in condescending to take the opinion of the judge-advocate-general upon so clear a point; for if upon such a point the quarter-master-general could be liable to a court-martial, there was to all intents an end of the civil power. The point at issue was in fact not between

Colonel Munro and the officers who accused him, but between the government and a faction in the army. It has been asserted, that no open discontent appeared before the quarter-master-general's paper was made public: that there was no open mutiny, no explosion, is certain; but there is incontestible proof that the train was laid long before. The Madras military letter, of October 21st, 1807, informed the Court of Directors, that "a very dangerous spirit of cabal had shown itself among several officers in their army; inflammatory and factious proceedings were complained of; and this disposition," it was said, "had been greatly inflamed by the impunity with which one officer had been hitherto enabled to brave and insult the authority of the government; every means of the most public nature having been taken, at some of the principal military stations, to hold up that officer as the champion of the rights of the company's army, and as one whose example called for general imitation." This spirit of insubordination and cabal existed long before Sir G. Barlow assumed the government, or it was even known that he would be appointed to it. His appointment, perhaps, accelerated the crisis; it excited jealousy, because he had been bred in Bengal. To appoint a person to the government of one presidency whose life has been passed in another, does not indeed seem a wise measure, because it implies that the advantages of local and personal knowledge may be dispensed with, but our home system of government has familiarized us to absurdities of this kind; and as the appointment of a person who had never before set foot in India would have given no displeasure, none ought to have been felt, for surely a governor might as well come from Calcutta as from England. This, however, gave occasion to the discontented to complain of a system of favouritism; he had given his ear, they said, to a set of men who abused it; and the quarter-master-general, because he was one of those who possessed his confidence, became, for that reason, an object of hatred.

The presidency was at this time not less agitated by civil dissentions, into the detail of which it would be tedious to enter. The ablest and wisest governor would have found his situation difficult; and whether a system of conciliation, uniting generosity with firmness, could have allayed the general agitation, is doubtful; but it certainly was not attempted. Sir G. Barlow seems to have thought that firmness alone was sufficient, and that the way to make the authority of government respected, was to punish any person who displeased the governor. Upon this angry and vindictive system, some persons were displaced from their official situations, others degraded, others, by distant and unwelcome appointments, banished from Madras. Some of these examples may have been expedient, but most assuredly some of them were arbitrary, oppressive, and cruel; and the general ferment and general disgust which such measures created, encouraged the discontented officers, who found the civil servants of the company ready to sympathize with them, because they were exasperated by their own grievances. Things were in this state when General Macdowall embarked for England, and from this time it is difficult to say whether the conduct of the army or of the government was most censurable, till, by the imprudence and intemperance of both, a

crisis was brought on, which decided the guilt of one party, without exculpating the other.

General Macdowall took leave of the army in farewell orders, which, like the general tenour of his conduct, were calculated to inflame their already irritated minds. But he left behind him a far more offensive paper, which, in the form of general orders, was published on the very day that he put to sea, and when he was already far from land. This paper stated, that the conduct of Colonel Munro, in making a direct appeal to the civil power, "being destructive of subordination, subversive of military discipline, a violation of the sacred rights of the commander-in-chief, and holding out a most dangerous example to the service; Lieutenant-General Macdowall, in support of the dignity of the profession, and his own station and character, felt it incumbent on him to express his strong disapprobation of Lieut.-Col. Munro's unexampled proceedings, and considered it a solemn duty upon him to reprimand Lieut.-Col. Munro in general orders." General Macdowall had not yet resigned the command, probably for the purpose of leaving this insult behind him, and it was understood that he meant to send his resignation from Negapatam, where the ships were to touch, or from Ceylon; but as soon as this act of defiance to the civil government was made known to Sir G. Barlow, that governor ordered signal to be made to recal the ships, meaning immediately to have removed the general from command. The signal was either not perceived, or not obeyed, and the ship, with all on board, having been lost upon the passage, General Macdowall never learned the consequences of his conduct, nor received the censure which he deserved.

Jan. 25. 1809.

It cannot be doubted that the spirit of insubordination which infected the army had been encouraged by the public as well as private conduct of this general; this last act might have given to the governor every advantage which he could desire, but Sir G. Barlow immediately put himself in the wrong, and, acting as intemperately towards the military as he had already done towards some of the civil servants of the company, gave them, for the first time, just reason to complain. He suspended the deputy-adjutant-general, Major Boles, who had signed the general order. Upon this the adjutant-general, Colonel Capper, informed the governor that he was the responsible person; for the paper would have been issued under his signature, if he had not been engaged in accompanying the commander-in-chief on board ship. Sir G. Barlow then, without removing the suspension from Major Boles, suspended Colonel Capper also. It was intimated to Major Boles, that any expression of apology on his part would be accepted; but he rested his defence upon the ground of military obedience. Any hesitation, he said, in issuing the general order, would have rendered him, in the opinion of any court-martial, deserving the severest punishment of the highest military crime. What he had done was an act purely of necessity, not of free will. What would be the consequence, he asked, of proclaiming to men with arms in their hands, that they are at liberty to question and discuss the legality or expediency of a peremptory order from a military superior? For himself, he solemnly

Jan. 31. 1809.

declared, that when he signed the order, he considered it his indispensable duty so to do; for, as a soldier, he had no alternative between tacit obedience and mutiny. Sir G. Barlow, on the other hand, maintained, that if officers should once establish the principle that they were bound to obey all orders of the commander-in-chief, without reference to their legality, any factious or imprudent commander might, at any time, set the authority of the government at defiance, and even supersede it altogether.—The governor's reasoning was just, but it did not apply to the present instance, which was not an extreme case. His next measure was more erroneous, and in every point of view utterly inexcusable. Major Boles, being anxious to bring his own case before the Court of Directors with the least possible delay, applied for leave to go home; his first application remained unnoticed, till, upon making a second, the leave was refused. Major Boles applied a third time; the net pay only, he represented, was allowed to officers under suspension, and this was very insufficient to support him in India for the length of time that must elapse before the decision of the Court of Directors upon his case could be obtained; his other resources were in Europe, and delay must be very distressing to him; he therefore begged leave to repeat his request, that he might be permitted to return by the ship Lushington, and as this permission had been granted to Colonel Capper, his superior, who was in the same predicament with himself, he trusted the governor would see the justice of affording him the same opportunity of appealing in person to the Court of Directors.

This application was also rejected; the Lushington sailed; and three days after she sailed, Major Boles was told he was at liberty to go to Europe, when there was no probability that any opportunity of obtaining a passage would occur for many months. Being thus compelled to remain in India against his will, he broke up his little establishment, and sold his effects to enable him to live. No man's conduct could possibly have been more inoffensive; and when he heard that the governor was displeased at his dining at the public mess, he ceased to do so. But though he was far from making himself the rallying point of disaffection, that rallying point he naturally became. The discontented officers took advantage of the flagrant injustice of his case, and drew up an address to him, expressing "their marked approbation of his conduct," and "their surprise and concern at the severe and unmerited punishment inflicted on him, for having obeyed the orders of the commander-in-chief in a case purely military; a question," they said, "which involved circumstances essential to their best interests, and fundamental to the character and respectability of the army." They requested "the honour of repairing his injuries, as far as lay in their power, by subscribing and paying to him monthly the full amount of that pay and staff allowance, of which he had in this extraordinary manner been deprived. And as his conduct," they said, "was exactly conformable to what they would have pursued, if they had been placed in his situation, they could not avoid making his cause their own; and, under existing circumstances, such mutual support must be expected and accepted by all who, like himself, had, or might become

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sufferers through any such exceptionable measures on the part of the civil government." That Sir G. Barlow might not remain ignorant, or appear to be ignorant of this address, it was officially communicated to his military secretary.

To Major Boles no farther blame can be imputed, than that he accepted the pecuniary support which was thus offered him; and upon this point it would be more equitable to praise him had he declined it, than to censure him for the acceptance. The act itself, on the part of the officers, would have been honourable to themselves as well as to him, had not both the motive and the manner been so obviously factious. Major Boles had never made his injuries a subject of reference to the army, or to any part of it; never provoked the addresses nor the relief which they offered; and never acknowledged the receipt of them, nor returned his thanks for the voluntary assistance which the army gave him. The offence of the officers, however, was visited upon him, and Sir George Barlow ordered, that is, in fact, banished him from Madras to the more distant settlement of Bengal, entailing on him, as he complained, great and inevitable expence, while his allowances were taken from him, and when he had no immediate means of his own to defray the heavy charges which were thus arbitrarily imposed upon him. In Bengal Major Boles continued the same retired and inoffensive conduct as at Madras: he removed as soon as he could from Calcutta to the Danish settlement of Serampore, for the purpose of avoiding as much as possible his brother officers, lest he should be suspected of making himself conspicuous; and there he remained till he was finally ordered for England.

The same spirit was displayed towards Lieut.-Col. Martin; that officer, who was deservedly obnoxious to the government, for coming forward as one of the accusers of the quarter-master-general, had obtained leave to return to England in the same fleet with General Macdowall. Accordingly he came to Madras in December, and took his passage in a ship which was expected to sail on the 29th of January; but on the 21st he was desired not to leave the presidency, the judge-advocate-general having requested the governor to detain him, in order that he might appear in support of the charges against Colonel Munro. Nothing can more clearly show the vacillation of the governor's councils. It is said that the judge-advocate-general called upon Colonel Martin soon after his leave was recalled, and told him that if he would apologize for having signed and forwarded the charges, he should be permitted to proceed on his passage; but the offer was received with scorn and contempt. Whatever truth † there may be in this, it is certain that, a week after the fleet had sailed, Sir George Barlow changed his mind, withdrew the prohibition, and, expressing his regret for the inconvenience to which Colonel Martin had

† It is so stated in an "Account of the Origin, Progress, and Consequences of the late Discontents of the Army on the Madras Establishment," Cadell and Davies, 1810,—a work written in the most violent party spirit, and which, in some points respecting Colonel Martin, is certainly not accurate; for it says that the ship was to sail on the 29th, and that his leave was recalled on the night of the 28th. The original papers, which have since been laid before parliament, disprove this statement.

been thus subjected, directed that he should be reimbursed for the loss of his passage; and accordingly 1000 star pagodas were paid him by the public treasury.

In this instance the government showed a sense of justice, in which it was wanting toward Major Boles. But the vindictive disposition which it had manifested every day received fresh provocations; for when the discontented officers perceived that in one instance the civil authority had been evidently in the wrong, they were enabled to deceive themselves, and give to the mutinous proceedings in which they had embarked a semblance of just and honourable feelings. Colonel Munro being the chief object of their dislike, they shunned his society with the most studied marks of contempt. Captain Marshal, the secretary of the military board, who had frequent occasion to meet him on duty, shunned him upon all other occasions, as a man with whom it was disgraceful to hold communion: he was dismissed from his situation, and ordered to Vizagapatan, about 500 miles distant. The intentional insult could not be mistaken; but there was an arbitrary character in the punishment, which, though legal upon military principles, made it nevertheless an odious act when it proceeded from the civil government. It was, however, apparent at this time that the army were determined to try their strength against the governor, hoping either to induce the directors to supersede him, or that they themselves by repeated insults should compel him to resign. Their hatred of Colonel Munro had now extended to Sir G. Barlow, and they began, as the phrase is, to send him to Coventry also. His invitations were uniformly refused, and an officer belonging to an institution formed for the instruction of young officers, was expelled from the society of his fellows, because he had attended at an entertainment given at the Government House. An outrage like this could not be passed over; they were informed, that if they did not immediately amend their conduct, they would be ordered to quit the institution and join their corps. They replied, that the regulations of the service allowed to officers, in common with other gentlemen, the privilege of making their own choice of companions for their private society, and as they did not chuse to hold any farther acquaintance with the gentleman in question, they held themselves justified in the measures which they had taken. In consequence of this, they were ordered, without delay, to join their corps, because of their irregular conduct. One corps was ordered to Vellore, because Major Boles had dined at their mess, before he knew that his appearance there was considered offensive. Another, it is said, was threatened by General Gowdie, the new commander-in-chief, that they should be sent to one of the most distant stations, because the officers refused to dine with Sir George Barlow. These facts may have received their colouring from the heat or the malice of party; but the impression which results from a dispassionate perusal of the statements of both parties is, that there was a mutinous disposition on the one side, and an arbitrary one on the other.

Matters were precipitated by a memorial which the officers drew up, addressed to the governor-general, exhibiting their grievances, and expressing "their sanguine hope and entreaty, that the supreme government might in its wisdom be induced to appease their just claims, and to

anticipate the extreme crisis of their agitation, by releasing them from the controul of a ruler, whose measures, guided by the counsel of their implacable enemies," they said, "are equally detrimental to the interests of the state, as they are repulsive to the feelings of a loyal and patriotic army." This memorial was circulated with great secrecy through the different military stations for the purpose of obtaining signatures, so that some weeks elapsed before the government could distinctly establish the fact. As soon as that was done, the memorial was censured in general orders, as calculated to destroy every foundation of discipline, obedience, and fidelity; and several officers, who were supposed to have been most active in preparing and circulating it, were suspended from the service, and others removed from the command and staff appointments which they held. In these orders the governor expressed his satisfaction that the majority of the army had resisted all participation in these improper and dangerous proceedings. "It was an act of justice," he said, "to the king's troops, to declare his entire approbation of the order, discipline, and steady adherence to duty which they had invariably manifested. His present information did not enable him to distinguish all the troops of the company's service who had manifested the same dispositions, but he deemed it proper to notice the exemplary conduct of the Hyderabad subsidiary force." This portion of the army was thus mentioned because the officers on that station had not signed the inflammatory papers which were in circulation; but no sooner did the general orders reach Hyderabad, than they resented the compliment as an insult, and drew up a circular letter to the other officers of the company's service, assuring them that they were not divested of those feelings which had been excited throughout the army; that they would assist in supporting those officers who had incurred the displeasure of government for their exertions in a just cause; and that they were ready to contribute in any legal measures of temperance, dignity, and firmness, which might be thought effectual to remove the cause of the present discontent, and to restore their brother officers to the honourable situations from which they had been removed. At the same time they addressed a memorial to the governor, remonstrating against the late acts of government, and particularly the order of the 1st of May. "This order, sir," they said, "removing from their situations and involving in disgrace so many valuable and respectable officers, for their zeal and exertions in a cause which their acts have rendered sacred to the army, has excited such great and general irritation, that we have strong reasons to fear the most fatal and disastrous consequences. Under these impressions we feel compelled to make some efforts to avert the evils we see impending, or what may be the possible and probable consequences,—the separation of the civil and military authorities, the destruction of all discipline and subordination among the native troops, the ultimate loss of so large a portion of the British possessions in India, and the dreadful blow it will inflict on the mother country." An hundred and fifty-eight officers of the Jaulnah and Hyderabad forces signed this memorial: "the possible and probable consequences" they thus distinctly perceived, and having this distinct perception of the

May 1.

danger, assured the governor of their opinion, that nothing but some act of conciliation on his part could tend to lessen or remove it. The specific act which they advised was the rescinding the order of May 1st and restoring all the officers who had been suspended; in other words, the complete submission of the government to the will and pleasure of the army.

This declaration of the troops at Hyderabad may be considered as the signal of rebellion. Committees of correspondence were immediately appointed at the principal military stations, for the purpose of organizing the means and measures of farther resistance. This spirit extended itself beyond the presidency, and a deputation was sent from the Bombay army to the army of Madras, to assure them of their unanimous "wish to afford every facility which might lay in their power towards procuring redress against the tyrannical and oppressive conduct of the governor of Madras and his advisers." Things were in this state when the opinion of the supreme government was made known by a letter from Lord Minto: the substance of this letter was, that he approved all the measures of Sir George Barlow, and assured him of his firm support. The form was most extraordinary. It was a prolix examination and discussion of all the grievances and measures complained of, analysing, dividing and subdividing them, and arguing upon them, *pro* and *con*, through 95 numbered paragraphs. From an ordinary observer it would have been considered as a pamphlet, in which the good sense of the matter lay smothered under the formality and dulness of the method. But for a state paper the composition was unique: it provoked the patience of the most indifferent reader, and what must the effect have been upon the exasperated minds of a mutinous army!

The first act of open mutiny was committed at Masulipatam. The Madras European regiment, which was stationed at that place, had for some time been remarkable for its insubordination, and in consequence of this spirit Lieut.-Col. Innes, an officer of approved zeal and fidelity, was ordered to take charge of it, and at the same time appointed to the command of the garrison. To this no opposition was made; but the conduct of some of the officers on the very evening of his arrival was of such a nature, that he deemed it proper to advise their removal, and this was immediately resented by all their comrades. It happened that at this time the admiral upon the East India station had applied for 100 Europeans, to act as marines on board the fleet. The Duke of York had recently ordered that the king's troops should not be employed in this manner, except in cases of the greatest emergency; and the Madras government, for the purpose of complying at once with the admiral's request and these orders, and likewise of weakening a disaffected regiment, ordered a detachment of three officers and 100 men to embark. The thing itself was customary, but its purport was obvious in the present instance; and it was easy for the factious officers to persuade the men that this was only a preliminary step to breaking up the regiment, and transferring the men to the navy. These representations succeeded, and, as had been preconcerted, Colonel Innes was seized, and placed under close arrest, while Major Storey, the officer next in seniority, assumed the command of the garrison, and affected to excuse this act of mutiny as necessary, to pre-

vent worse consequences. As soon as this was known at Madras, Lieut.-Col. Malcolm was sent to take the command, with discretionary powers to act as he might think most advisable. But Col. Malcolm did not act as the government had expected; he did not communicate to the men a distinct and public disavowal of that intention which had been falsely imputed to the government, and was so impressed by a sense of the general discontent, and the imminent danger which it threatened, that he recommended to Sir George Barlow, as the only means of averting the most dreadful calamities, to modify the orders of May 1st, restore all the officers who had been suspended, and inform the army that their claims to the Bengal allowance would be laid before the Court of Directors.

Had such advice been followed it would have been fatal to the civil authority in India. But Sir G. Barlow, however reprehensible in some of his former measures, acted through the remainder of the storm with due firmness and decision. It was now manifest that the factious officers were determined upon rebellion, if they did not succeed in intimidating the government into submission. A battalion from Hyderabad had been ordered to march to Goa: the officers informed the commander upon that station, Lieut.-Col. Montrasor, that having united among themselves and with the whole army to obtain a redress of grievances, they would not submit to any attempt to divide them; and the battalion should not march, because they were assured of its attachment, and might soon need its services. This resolution was followed by a memorial, in which, in addition to their former demands, they insisted upon the trial of Lieut.-Col. Innes for his conduct at Masulipatam, and the removal from office of the officers of the general staff whom they supposed to be the advisers of government. The force at Jaulnah prepared an address to Lord Minto in the same spirit, requesting that he would proceed to Fort St George, assume the government of the presidency, and relieve the army from the intolerable oppression under which they laboured.

The government being now fully aware of its danger, took every means for crushing the rebellion before it acquired greater strength. The king's troops were loyal: application was made to Bombay and Ceylon for such reinforcements as could be spared, and arrangements were made for placing the principal bodies of the company's troops at the same stations with the regiments of the line; but a design on the part of the discontented officers having been either suspected, or discovered, to seize on the seat of government, it was found necessary to encamp the disposable troops of the centre division in the vicinity of Fort St George. The next measure was to secure as many of the native troops as possible, which could only be done by apprising them of the designs of the factious officers, and removing those officers from authority. To effect this in the mildest manner, circular orders were sent to all the commanding officers, requiring them to assemble all the European officers under their command, and call upon them to subscribe a declaration, that they would obey the orders and support the authority of the governor in council. Such as refused this test were to be allowed to resign, drawing their ordinary allowances at such stations on the sea-coast as they might chuse for their resi-

dence, between Sadras and Negapatan, until the state of affairs and the temper of their own minds should admit of their being again employed with advantage to the state. After these orders should have been executed, the commanding officers were instructed to assemble all the native officers, to explain to them that certain factious Europeans, in pursuit of objects entirely personal to themselves, had formed designs of the most criminal nature, and were desirous of involving the native troops in the guilt and danger attending their execution; to show them how they had been deceived, and to impress upon them that their first duty was to the government.

The governor was satisfied that this important measure could be carried into effect at all the stations south of the river Kistnah without material difficulty, because in that part of the country the company's troops were under the controul of the regiments of the line. In the whole of the centre division of the army they were carried into complete execution, though almost all the officers refused the test, and were in consequence immediately removed. The native troops recognised at once the obvious principles of duty which were stated to them, and unanimously declared that they would maintain their allegiance, and obey no orders but those of the government and of the officers whom the government might appoint. The same result took place in the ceded districts. A greater number of officers were found loyal at Trichinopoly than at any of the former stations. The commanding officers in Travancore, Malabar, and Canara, hesitated to offer the test, and represented to government their fear of the consequences; but upon the order being repeated they obeyed, and the measure was effected with perfect success. The same facility was not found in Mysore, the northern division, and Hyderabad. When Colonel Davis proposed the test in Seringapatam, he was put under arrest, and the mutineers seized the public treasure. They persisted in their purpose, but they soon repented of the personal violence which had been offered to Colonel Davis, and allowed him to return to Mysore, from whence he sent the declaration to the commander of the garrison, Lieut.-Col. Bell, requiring him to tender it. That officer returned it with his own single signature; every other person, he said, had rejected it, and signed in its stead a paper declaring that they would not obey the orders, nor support the authority, of Sir G. Barlow. He himself had lost all authority, nevertheless he would remain in the fort as long as he conceived his presence might be of service to the state.—But notwithstanding the explicit protestation of obedience which Colonel Bell had signed, he sanctioned all the measures of the mutinous officers by his presence, and acted as member of a committee which, under the name of the Committee of Safety, had taken upon itself the command of the garrison. They drew up the bridges, cut off all communication with the country, seized the paymaster's chest, sent out a detachment which intercepted a sum of 30,000 pagodas then on its way to the paymaster from the ceded districts, ordered a party of the king's troops to leave the garrison, and called to their assistance two battalions from Chittledroog.

There was now no alternative but to crush these rebels by force. Mr

Cole, the resident at Mysore, and Colonel Davis, called upon the rajah's government for assistance: they received from Poorniah, the dewan or prime minister of that government, the most ready and cordial co-operation; the whole resources of Mysore were placed at their disposal, 3000 horse were directed to invest the fort at Seringapatam and cut off its supplies, troops were summoned from Bangalore, and a detachment of Mysorean troops ordered to intercept the battalions from Chittledroog. It was supposed at Mysore that Colonel Bell had either been compelled to remain by the garrison, or induced to do so by the hope of moderating their proceedings; but that officer, a week after he had signed the declaration, addressed a letter to Colonel Davis, saying that he considered Seringapatam in danger of an attack from the Mysore government; that it was his duty not to deliver it up except to legal authority; and requesting that this his determination might be communicated to the governor-general. At the same time he dispatched a letter to Poorniah, complaining of his cutting off supplies from the fort, accusing him of having broken the treaty with the British government, and threatening him with vengeance.

The Mysorean detachment, under Ram Row, fell in with the battalions from Chittledroog about thirty miles from Seringapatam. They were commanded by Captain Mackintosh, to whom Ram Row personally communicated the orders which he had received to prevent the advance of these troops: this only drew forth a reply from Captain Mackintosh, that he was determined not to adopt any offensive measures, and that the Mysorean might do as he thought proper. Upon this Ram Row applied to the resident for farther instructions: a paper was then sent him, signed by the resident and Colonel Davis, stating that the farther advance of this corps would not be permitted; that the officers must either sign the declaration, or accept the alternative of retiring; that any attempt to advance would be resisted both by Ram Row and the troops from Bangalore, under Col. Gibbs; and that if they persisted in their march they would be considered as enemies to the British government. The officers, in contempt of these orders, continued their advance, deluding the men under their command by the most villainous artifice: they persuaded them that Poorniah was in rebellion, and that they were marching to secure Seringapatam for the British government, in concert with the troops from Bangalore. This is the foulest blot in the whole of these disgraceful transactions; by this wicked and detestable falsehood the native troops were persuaded that they were acting in obedience to the company, and in that persuasion their officers led them on to rebellion, and exposed them to be cut down as rebels. They pursued their march, and were in consequence opposed by the Mysore horse and Colonel Gibbs, who was encamped within three miles of Seringapatam. An action took place in sight of the walls, during which the fort cannonaded the camp, and a party of the rebels sallied, but were driven back. About 200 of the sepoys who had been so infamously deceived by their officers were killed and wounded, the rest dispersed, and most of them found their way into the fort. During the night the garrison kept up a heavy fire upon the camp, and bombarded it, with no other effect than

that of killing some of the followers, and thus adding more innocent blood to that which already lay upon their heads. Colonel Davis now, though labouring at the time under a severe indisposition, took the command of the loyal troops, and blockaded the fort.

While these things were passing at Seringapatam, the prospect of affairs at Hyderabad was not less alarming. It was thought expedient by the governor to appoint Colonel Close to the command of the subsidiary force at that station, and intrust him to carry the test into effect; for it was supposed that if any man could succeed in restoring subordination, it would be that able and highly distinguished officer. The factious officers, aware of his object, and dreading his presence, sent a letter, which met him on the way, expressing due respect for his character and talents, and a confidence that he might bring about a reconciliation between the government and the army by the weight of his influence; they informed him that his services as commandant were not required at Hyderabad, but that they might be useful at Madras in promoting the cause of the army; and they desired that he would proceed to Madras, but that he would halt one stage from their station.—Colonel Montresor, their present commander, however, still possessed some influence, and upon his remonstrances they consented that Colonel Close should come to the residency, where a deputation would meet him. There he communicated his instructions to Colonel Montresor, saying, that they left him no discretionary power, and no option but that of asserting the authority with which he was invested; and that he could not fulfil the expectations of government without venturing at all hazards to place himself at the head of the troops. Col. Montresor thought it very doubtful whether the officers would permit him to enter the cantonment, and whether his remonstrances would produce the desired effect upon the native troops: he, however, himself had some confidence of succeeding, if he could appear in front of the troops before they could be put under arms; the success of the experiment in the southern districts encouraged him, and he relied upon his knowledge of the character of the men, and their knowledge of his name, and the respect in which it was held.

His first intention was to put the European regiment under arms, and march it to head-quarters. Colonel Montresor declared that if this were done, the vigilance, jealousy, and agitation which prevailed among the officers were such, that they would instantly prepare for battle: he therefore determined to enter the cantonment at a central point, halt in front of the line of one of the native corps, and there await the arrival of the senior officers. Colonels Montresor and Gore accompanied him, and an escort of cavalry. The main piquet saluted him as he passed, the troops of cavalry drew up near him, and *salamed* as he passed; he halted in front of the lines, and sent word to the heads of corps that he was ready to receive them. The deputy-adjutant-general carried the message, but the field officers made him no answer; the message was repeated, and received with the same silence. Before he returned, Majors Neale and Deacon came up: it was observed that the artillerymen were manning their guns, and Colonel Close, finding it hopeless to expect the field officers, addressed these gentlemen, and urged them to subscribe the de-

claration: they must be well aware, he said, that they had placed themselves in hostility against his majesty's crown, the laws of their country, and their own government of Fort St George; under these circumstances the test which was proposed was absolutely necessary, and the alternative which it offered was in the highest degree liberal,—retirement upon full pay and allowances till the situation of affairs and the temper of their own minds would admit of their being employed with advantage to the state. They replied, that all the officers were united by common bonds, from which they could not separate till they had obtained redress. Colonel Close answered, that a large portion of their brother officers had already accepted of one of the alternatives, and therefore there was now a fair and honourable opening for them to retire from the unhappy cause in which they were engaged. They required time to consult their brother officers, and to deliberate. Colonel Close said he had no authority to allow of delay for consultation; he pressed them to accept the proposal of the government; he reminded Major Neale of his long services, his rank, and his peculiar situation, as being the senior company's officer with the force, and he urged him to avail himself of the opportunity which was now offered of returning with honour to the bosom of his country. Both officers were deeply affected, but they lamented that it was impossible for them to submit to either alternative.

During this conversation a considerable number of men ranged themselves between them and the barracks, and appeared to observe what was going on. The artillerymen were manning their guns, and the corps on the right of the line falling in with great haste. The colonel, finding that though both the officers were much agitated they remained stedfast to their resolution, told them, that as the authority of the government was thus defied, he felt himself at liberty to communicate directly with every native soldier in the cantonment. He turned to the troops of cavalry, told them that he was senior officer appointed to that command, and that it was their duty to obey his orders; that Major Neale, their commanding officer, and certain other European officers, were engaged in a dispute with the government upon points which concerned themselves only, and did not involve any interest of the sepoys: that dispute would be adjusted at some future period; meantime he called upon them to look upon him as their leader, and obey no orders but such as he should sanction. They listened with attention, *salamed* very respectfully, and appeared to assent to what he said. At this moment he saw that the sepoys of the 2d battalion 16th regiment were rushing out of their place of arms, and forming hastily in divisions immediately before him, the European officers exerting themselves to form them with regularity and speed. Upon this he beckoned to the cavalry to follow him, rode into the divisions, and with his breast at the point of the bayonets addressed the sepoys, calling upon the native officers to let him know why the men had taken to their arms, and what was the cause of their agitation and alarm. He told them that government, which was the support of them and their families, had appointed him to be their commander; that they knew he was an old officer in the same service as themselves, who had passed the greater part of his life with

them, who was sincerely devoted to their interests, and who would willingly listen to their first complaints. He bade them look to him, and to him alone, and ordered them to stand fast, and not to move. One native officer he took by the shoulder, and asked him why the men were falling in and priming and loading, but the man could not be prevailed on to speak. Colonel Close laid hold on him a second time, but without effect: he addressed the same question to several of the noncommissioned officers, and could obtain no answer; the confusion was so great, that little of what he said could be heard, and still less could it be understood.

By this time the sepoys had formed into divisions, and an officer ordered them to move into line. Colonel Close pushed on to the front division; he took the subedar of cavalry by the hand, and desired him to accompany him: that officer rode with him a few yards, but then quitted him; and the troopers, who made a movement at first as if they intended to follow, soon held back. The sepoys wheeled into line, and every company did the same: they primed and loaded, faced to the right, and marched to join the park of artillery. At this moment Colonel Close was in the most imminent danger; for the troops on the right seeing this corps marching toward them, supposed that he had succeeded and was leading them to the attack, and they were on the point of opening their whole fire upon them, when they discovered that the 16th was coming to join them. The colonel still accompanied them, addressing the sepoys, but still in vain. The 16th formed close to the park on the left; the two corps on the right made a movement in a direction perpendicular to that of the left, for the purpose of interrupting any communication with the barracks of the king's troops. The cavalry who were with Colonel Close drew their swords and rode off, and formed another side of the square, to prevent him from getting to the king's regiment through the street of the cantonment. The formation was completed with the greatest order; there was the most perfect silence and regularity; and an eye-witness, amid all the dreadful anxiety of the moment, was so impressed by it, that he says in his account he never in his life had seen a more beautiful line. Colonel Close made a last effort. An officer then was distinctly heard to ask permission to fire; it was refused, but the artillery fell out in front of their guns: the colonel then perceived that farther efforts were vain. Every mark of indignity or disrespect to him had been hitherto scrupulously avoided. Majors Neale and Deacon approached, and in the most courteous manner expressed their regret that any circumstance should have placed them in opposition to him. He addressed himself to the former, said that as he was the senior officer who had been present at this shameful scene, he must be considered as particularly responsible for what had occurred; for himself, Colonel Close added, now that his authority had been so openly and so completely rejected, he could consider himself in no other light than as a prisoner; and as the object of his appointment to the command had been thus defeated, he should regard Colonel Montresor as still continuing commandant.

He then accompanied Colonel Montresor to his quarters. The whole of the field officers soon came there, and expressed a wish to see him and to deliver him an address. He made

known to them that he could receive no address, but had no objection to hear what they might have to say. They repeated the matter of their address, said that they had great confidence in his influence with government, and requested him to proceed to Madras and exert that influence in person to promote the interests and wishes of the army. His answer was, that he was not at liberty to go to Madras, and certainly should not undertake any office of that kind. They then bowed and retired; but they dreaded the effect which his presence might produce upon the sepoys if he continued at the residency, and therefore they soon required him to leave Hyderabad, an injunction which he thought it better to obey than to submit to personal restraint. The committee at that station having thus succeeded in engaging the sepoys in open rebellion, dispatched a requisition to the troops at Jaulnah, at Masulipatan, and in the northern circars, to join them with all speed. Their intention was to march into the Carnatic, for the purpose of subverting the government. A general movement took place throughout the northern division. The troops at Jaulnah began their march to Hyderabad, under Lieutenant-Colonel Doveton. Major Storey issued orders at Masulipatan to prepare for the same destination. The factious officers at Ellore seized their commander, Lieutenant-Colonel Fletcher. The battalions at Samulcottah, Chicacole, and Vizagapatam, seized the public treasure in their districts, and began their march; and the rebels at Seringapatam, expecting to be relieved by this formidable co-operation, continued in a state of active hostility against the government troops.

The government made arrangements for crushing the rebellion without delay: it was determined to form an army of 12,000 men, of whom more than a third were Europeans, in the ceded districts, and place them under Colonel Close; but that excellent officer had already won the victory. The heroic manner in which he had performed his duty, though it failed of immediate effect, sunk deeply into the minds of the men: they had been prevented by the care which had been taken to prepossess them, and by the agitation of the scene, from distinctly hearing or comprehending the arguments which he addressed to them, but they could not be prevented from reflecting upon what they had beheld; and the officers, who had succeeded in teaching these men to disobey their superiors, began to apprehend that they themselves should soon perceive the sepoys had not learnt that lesson in vain. It was on the 4th of August that Colonel Close had been sent from Hyderabad. Two days after, the resident at that station informed the government that the officers were aware of their perilous situation, and that a general amnesty would induce them to return to their allegiance. He was told in reply, that no other terms could be listened to than those of unconditional submission. On the 9th a proclamation was issued, declaring that all troops marching without orders were to be considered as in open rebellion. The officers at Hyderabad were now certain that the men would not stand by them; and on the 11th they signed the declaration, offered their unconditional submission, and drew up a letter to the governor-general, whose arrival in Madras was daily expected, expressing a hope that he would be pleased to grant a general amnesty. At the same time they addressed a

circular letter to several of the other stations, stating that imperious circumstances and mature reflection had induced them to sign the declaration, and that they earnestly entreated their brother officers to follow their example.

When this address reached Masulipatan, the ringleaders at that station sent to General Pater, who had been commissioned to see the test carried into effect there. The time was arrived, they said, when they could no longer oppose the authority of the government without injury to the interests of the country, and they invited him to assume the command, promising to obey him in all things. This determination was probably accelerated by what they had already experienced of the consequences of mutiny: the sepoys were declaring that they would plunder the country, and great part of the inhabitants, expecting this natural effect of such transactions, had already taken to flight. Major Storey himself, interfering in a dispute between a sepoy and an artilleryman, had been in personal danger. The soldier told him he would do as he himself thought proper, and gathering two hundred of his companions, they went to his house with loaded guns, threatening to kill him. The major escaped upon an unsaddled horse to the fort, and got a guard of 200 sepoys and 100 Europeans to protect him. This was a timely lesson, showing the officers in what a miserable state of insecurity they would find themselves, even if there were any hope of succeeding in their rebellion. General Pater, upon receiving this letter, went immediately to the fort to see that the declaration of allegiance was signed. He found the garrison in the greatest agitation; the men of the European regiment suspected that the officers, after having seduced them into mutiny, were now about to desert their cause and abandon them to punishment: they assembled tumultuously, and threatened to shoot any officer who should sign the test; and the tumult became so great, that General Pater thought it expedient not merely to rest satisfied without having the declaration subscribed, which his discretionary power authorised him to do, but, without any authority whatever, to promise, in the name of the government, a general pardon both for officers and men. Still the men apprehended treachery; and the next day 180 of the European regiment, with a few artillerymen, determined to set out for Madras. General Pater assented to their determination, and suffered them to select such officers as they pleased: he thus got rid of the more turbulent spirits, subordination was then restored, and the whole of the remaining officers signed the test. Their example was followed by all the officers in the northern division. The troops from Jaulnah, receiving the news on their march, returned to their station and submitted; and the rebels at Seringapatam, finding all their hopes had failed, surrendered unconditionally.

Thus when Lord Minto arrived he found the rebellion crushed, and had only to take the necessary measures for punishing those who had been most forward in exciting it. The pardon which General Pater had promised at Masulipatan was revoked, as being entirely unauthorized by his instructions. Lieut.-Col. Bell, Major Storey, and Lieutenant-Colonel Doveton, were ordered for trial; and the governor-general, making, as he said, a small selection from a great mass of delinquency, excepted 18

other officers from the amnesty, giving them their choice either to quit the service or stand trial. Colonel Bell was found guilty, sentenced to be cashiered, and declared unworthy of ever serving the company in any military capacity whatsoever. A sentence so altogether inadequate to the crime, shows but too plainly the prevailing temper of the army: offences of the same kind, but infinitely lighter in degree, had been repeatedly and recently punished in India with death; and the commander-in-chief called upon the court-martial to revise their sentence, which appeared the more objectionable, because the prisoner's defence was in itself an aggravation of the offence. But the court adhered to their former opinion; and General Gowdie, confirming the sentence, expressed his pointed disapprobation of the punishment awarded, as bearing no proportion to the magnitude of the crime so clearly proved. Major Storey was sentenced to be cashiered, but not declared incapable of serving again; and the court, from some facts which had appeared upon the trial, and from many palliative circumstances, recommended him as not unworthy of mercy; "feeling," they said, "every hope, that should such a very extraordinary and unprecedented forgiveness be granted him, Major Storey would, from his well-attested uniform good conduct previous to these criminal transactions, feel a most perfect and proper sense of such benign lenity, and once again become a good and valuable officer to the honourable company." The judge advocate, in the name of the commander-in-chief, replied, that if the sentence had been such as the law pointed out for the offence, the recommendation of the court might then justly have had great weight, but the general could not consent to the remission of a sentence, which he considered as inadequate to the crime. He directed, in this instance also, a revisal of the sentence, which was, as in the former instance, confirmed. Both prisoners had made their defence in great part a justification, and had been advised by the court to expunge certain improper parts, which both refused to do. Colonel Doveton rested his defence upon better grounds, maintaining that he had only marched with the troops for the purpose of moderating them and preventing greater evil; and he produced a correspondence with the resident at Hyderabad, showing that this had been really his motive, and that the resident had sanctioned it. The court therefore honourably acquitted him. This sentence they were called upon to revise like the former, and they in like manner adhered to it. General Gowdie expressed his disapprobation in general orders, and recommended to government that Colonel Doveton should be suspended from all military functions till the pleasure of the directors could be known, drawing meantime his allowances; and this advice Lord Minto followed, declaring that in every case of mutiny, whatever may be the pretext for it, the first obligation of every officer and soldier is to oppose its progress by every effort of persuasion; the second, is to separate himself from the guilty; and the last and most sacred, is to join the standard of his sovereign, his employers, and his duty.

These disturbances became the subject of much and violent controversy in England. The Court of Directors, after many discussions and much opposition, removed Mr Petrie from council, because through the whole of the disturbances he had differed in

opinion from the other members, to the great encouragement of the disaffected party. They continued Sir G. Barlow in the government, but they disapproved of his conduct in the case of Major Boles, declaring that that officer ought not to have been suspended, and that the refusal to let him take his passage on board the Lushington was an unnecessary hardship. They therefore restored him to the service, but forbade him to return to India till he should receive special permission, because he had accepted the assistance of the army when it was offered in so reprehensible a manner, and because in his various memorials he had adverted in offensive terms to the conduct of his superior officer, General Gowdie, and of the governor-general.

CHAP. IX.

Conquest of the Spice Islands, and the Isles of Mascarenhas and Mauritius.

THESE domestic evils did not prevent the Indian government from pursuing their usual vigorous policy toward foreign foes. In 1809, the dewan, or premier of the Rajah of Travancore, in consequence of some political differences, attempted to assassinate the British resident; that officer effected his escape, but shortly afterwards a transport, having on board a surgeon and 33 soldiers of the 12th regiment, put into the port of Alippes, on the coast of Travancore, and the men were persuaded by some of the rajah's officers to land; they were then surrounded and overpowered, tied in couples back to back with a stone round their necks, and in that manner thrown into the back-water off the port, to perish with the returning tide. Colonel St Leger, whose name appears far more honourably in the history of the war, than in the transactions of the Madras army with its government, in one short and decisive campaign subdued the rajah. The dewan fled into the wilds, and thinking it impossible to escape the close pursuit which was made for him, destroyed himself there; his body, however, was discovered, and gibbetted, it is said, in sight of his master's palace,—an act which, if it really were committed, is inexpiably disgraceful to the person by whose command it was done.

Two expeditions were also undertaken against the pirates in the Persian Gulph, a set of men whose strength and audacity were daily increasing, and whose cruelties towards their prisoners were such, that the British government was called upon by every feeling of indignation, as well as of policy, to crush, and, if possible, to exterminate them. The first of these attempts was directed against the town of Mallia, which was taken, together with its strong fort; in the second, Rus ul Kima, their principal port and arsenal, was captured, all their guns spiked, their magazines blown up, and their flotilla, consisting of above 70 vessels of different sizes, burnt. Their minor settlements were afterwards attacked with equal success, and the depredations of these merciless freebooters were thus stopt, till they should be able to get other vessels and renew them, as undoubtedly they soon will do. The points which Albuquerque wished to secure, that he might make Portugal the mistress of these seas, were Ormuz and Aden; to Ormuz he was led as much by its prosperity as its situation; Aden still retains all its natural advantages, and happy would it be for Abyssinia and Arabia if that city were to be made a British settlement.

Amboyna was taken in the month of January by a squadron under Captain Tucker, and its surrender was

followed by that of the subordinate islands, Saparona, Harouka, and Nasso Lant, with Boura and Manippa. Banda Neiva, the chief of the spice islands, was taken in August by Captain Cole, by a coup-de-main of extraordinary gallantry: with less than 200 men, who had been labouring in their boats through a dark and squally night in the open sea, he landed unseen within a hundred yards of a battery of 10 guns, attacked it in the rear, and made the officer and his guard prisoners without firing a shot, though the enemy were at their post with matches lighted. They then attacked Fort Belgica, took it by escalade, and were proceeding to storm Fort Nassau, when the governor surrendered, and this handful of Britons found themselves in possession of an island, the forts and batteries of which mounted 120 pieces of cannon, and which was defended by 700 disciplined troops and militia.

Our commerce meantime suffered severely from the French, who, from the island of Mauritius, infested the Indian seas with their cruizers, and carried on their intrigues against the British interest in the Red Sea, and in the Persian Gulph. The amount of the losses which the East India Company sustained from this island, in the course of the last war and of the present, would have * sufficed for its capture twenty times over, had not the French persuaded us, as well as themselves, that the place was impregnable. The English, said they, may send out expeditions against it, but its distance from them will ever be an impediment to their arriving in good condition; and when arrived before it, the winds, want of provisions, and obstacles of every description, will soon oblige them to abandon their † enterprize. The first difficulty was easily obviated. A British squadron was attempting to blockade Port Louis, and in order to assist the squadron Lieutenant-Colonel Keating was sent with a small force of Europeans and sepoys, early in the year 1809, to occupy the island of Rodriguez, about 100 leagues east of Mauritius. This little island, which is about six-and-twenty miles long and twelve broad, was taken possession of in 1691 by a party of French refugees, under protection of the Dutch, who were at that time masters of Mauritius. Eight Frenchmen, young and enterprising, most of whom were of good family and some property, thought to find an asylum there; as they drew near the shore, they could scarcely satisfy themselves with gazing on its hills, and woods, and rivulets; they called to mind the scenes on which Di' Urfe had placed his Celadon and Astræa, and imagining that they were about to realize the ideal happiness of Arcadian romance, blessed that Providence which, having permitted them to be cruelly driven from their country, had at last suffered them to dry up their tears in this earthly paradise, where, they said, it depended upon themselves alone to be rich, and free, and happy,—where they had only to employ their peaceful lives in the undisturbed enjoyment of what they possessed, in glorifying the Author of all good, and in preparing for their own final salvation. A hermit indeed

* In ten months preceding the fall of this island, it has been calculated that the insurance offices of Bengal alone were losers three millions sterling by captures. ("Account of the Conquest of Mauritius.") This is probably an exaggerated statement, but the real loss must have been enormous to give rise to it.

† De Guignes.

might have found an earthly paradise in this delightful island; fruits grow there in abundance; the air is so mild, and the seasons so tempered, that the whole year appears to be one continual spring or autumn, or rather one season uniting the charms of both; the shores are frequented by turtle, tortoises and land crabs swarm there, and the birds were at that time so fearless from long security, that the adventurers found they had only to shout aloud, and they came flying round from all parts, attracted by the sound instead of being scared by it. But the Frenchmen had disagreed with the captain who brought them out, he destroyed all the letters which they had intrusted to his care; no tidings being heard of them, no succour was sent to them, and no person came to join them. After they had waited two years, they became impatient of solitude and of want of employment; hunting and fishing, they said, did not deserve the name of occupations, so easily did they catch their prey; they were tired of chess, tric-trac, bowls, skittles, making war upon the land crabs, defending their caps from the tropic bird, which had an extraordinary propensity to pounce at them, teaching parrots to talk, and observing the nuptial ceremonies of the Dodos, who, according to their account, more fortunate than themselves, were married and given in marriage. The island was in truth another Eden, but even Eden was insupportable for eight Adams who were without Eves. They made a boat, though they had neither pitch, tar, ropes, anchor or compass, put to sea in her with a desperate resolution, and almost miraculously reached Mauritius.

Of late years the French had a small establishment there dependent on Mauritius, and chiefly for the purpose of overlooking some parks of land turtles, which were transported by thousands to Port Louis for the use of the hospital. When Colonel Keating took possession of the island, he found only two French families residing there, and they were at enmity with each other. In the hands of the French, Rodriguez had been of little value, but it became an important post when in possession of their enemies. Shortly after its capture, three Indiamen were taken by the French and carried into St Pauls, the principal port of that colony, which the French call the Isle of Buonaparte, and the English the Isle of Bourbon, but which may better be distinguished by its original name of Mascarenhas, in memory of its discoverer. Our blockading squadron had acquired a perfect knowledge of the coast; and Commodore Rowley determined upon making an attempt upon St Pauls. For this purpose he requested Colonel Keating to co-operate with him; 368 officers and men were accordingly embarked for Rodriguez, and joined the squadron off Mauritius, making the whole force of seamen and troops destined for the attack 604, who with five additional boats were embarked on board the Nereide. On the evening of September 19th, they stood for Mascarenhas, and in the following morning were off the east end of that island. To prevent suspicion, the Nereide preceded the other ships, anchored close to the beach, and at five in the morning disembarked the land force to the south of Point de Galotte, seven miles from St Pauls. This was done with the greatest celerity; the troops immediately advanced, crossed the causeways which extend over the lake or pond of St Pauls before their debarkation was discovered, and passed the

strongest position before the French had time to form in any force. By seven o'clock the assailants were in possession of the two first batteries, and Captain Willoughby of the Nereide, who commanded a detachment of seamen, turned the guns upon the enemy's shipping, from whose fire the British suffered much, being necessarily exposed to it during their movements upon the beach. A detachment of 142 sepoys and 12 Europeans was now sent to take possession of the third battery, which the French had abandoned; but on the way it was opposed by the enemy, who had now concentrated, and had taken up a very strong position behind a stone wall, with eight brass field-pieces upon their flanks. Captain Imlack, at the head of this detachment, charged them; they maintained their ground; the third column marched to his support and took the enemy's guns. The action now became warm; the French were reinforced from the hills, and by 110 troops of the line, landed from La Caroline; and Captain Willoughby spiked the guns of the two first batteries, and occupied the third, which he turned upon the shipping. This arrangement enabled the reserve, which had covered those batteries, to advance. The enemy then gave way; the fourth and fifth batteries were won without resistance, and by half past eight the town of St Pauls was in possession of the assailants. Till now the English squadron had not been able to afford any effectual cooperation, for they could not fire upon the French ships without endangering the troops on shore; the moment the shore was clear they stood in, anchored close to the enemy, and speedily silenced them. The victory was effected with the loss of 15 killed, 58 wounded, and 3 missing.

The British force was altogether inadequate to the conquest of the island; having effected their object, by the capture of the Caroline and the recapture of her prizes, they embarked as much of the public property as they could carry away, and destroyed the rest. Private property was untouched; and not a single individual in the town suffered any injury, either in his person or possessions. The loss to the enemy was very great; the cargoes of the Indiamen alone were estimated at three million of dollars, and all the defences of the only safe anchorage in the island were rendered useless. General Des Brusles, the governor of the island, marched from the capital of St Denis to attack the English: on the evening of the 22d he appeared in great force on the hills above St Pauls; but during the night he retreated, over-rating, as it appears, the strength of the invaders, or doubtful whether his own men could be depended upon. Whatever may have been his motive for not risking an attack upon the English, the consequences to himself could not have been more disastrous; for, expecting to be punished with death by Buonaparte, he shot himself, leaving a written paper in these terms: "I will not be a traitor to my country; I will not, in consequence of what I foresee from the hatred and ambition of some individuals who are attached to a revolutionary sect, sacrifice the inhabitants in the useless defence of an open colony. Death awaits me on the scaffold; I prefer giving it myself; and I recommend my wife and children to Providence, and to those who can feel for them." His widow after this event wished to go to her own family at Mauritius, and when this was made known to Commodore Row-

ley, he, with a humanity which it would have been disgraceful not to have shown, appointed a vessel with a cartel flag to take her there, with her children, and servants, and effects.

After this successful coup-de-main the squadron resumed their usual occupation, and Colonel Keating returned with his troops to Rodriguez. That able and enterprizing officer was indefatigable in acquiring every information concerning the French islands which could facilitate their conquest, and the government were at length induced, by his earnest representations, by the losses which they continually sustained, and by the success of the late attempt, seriously to undertake what, to their own cost, they had so long delayed. The preparations were proportioned to the importance of the object, and the difficulties which were expected. Bengal, Madras and Bombay, Ceylon and the Cape, were to furnish aid to the extent of their respective resources. A competent naval force was collected, and the expedition it was hoped would when united amount to nearly 16,000 men,—the most formidable European armament which had ever sailed upon the Indian seas. The first operation was to renew the attempt against Mascarenhas, but with sufficient strength to take and keep possession of the island. For this purpose a detachment sailed from Madras for Rodriguez, where it arrived at midsummer 1810, making, with the troops already there, and the marines of the squadron, a force of 2000 European and 1850 Indian troops, the largest force ever given to an officer of Colonel Keating's rank in India. That officer meantime had trained his soldiers at Rodriguez to the service expected from them, accustoming them to a country intersected with ravines and precipices like that in which they were about to act.

Before the expedition sailed, Col. Keating informed his officers of the strength of the enemy, whose total force of regular troops, riflemen, national guards, and militia of all colours, amounted to 4193 men. The enemy, he said, reckoned upon their landing either on the south or east side of the island, and making regular advances against St Denis and St Pauls; were such measures pursued, he said, the loss would be very severe, and success very doubtful, from the natural strength of the country, and the manner in which the troops must be exposed to the enemy's marksmen, without being able to return a shot. The French would also have time to collect and concentrate their force, which at St Denis he could, in the course of two days, reinforce to 2307 men, leaving St Pauls and the south-west side garrisoned with nearly 1900. The way to insure success with the least possible loss, was to aim the blow at the very heart of the enemy, to dispossess him of his capital, and let further operations be guided by his movements after he should have been thus discomfited. For this purpose the landing was to be effected between the Butor and St Marie, at the nearest practical point to St Denis, and in the night if possible; the troops were to land with one day's provisions and grog; they were not to load upon any account, or under any pretence, without orders from the officers commanding brigades. Every thing during the night, or before day-light, was to be carried by the bayonet. The French upon these islands, said he, can never be persuaded to stand English bayonets: they are trained to a different system of defence; by firing from behind walls and houses,

and from the opposite sides of impassable ravines.

The expedition sailed on the third of July; rendezvoused fifty miles to windward of Mascarenhas on the evening of the sixth; and at ten on the following morning, the frigates were at anchor within musket-shot of the shore at the place appointed. The convoy, which had been in some measure dispersed during the darkness of the night, joined in the course of a few hours, and the debarkation began in the afternoon. While the main force drew the attention of the enemy to the eastward of the town, Captain Pym landed all the troops which were on board his frigate, the Sirius, at Grande Chaloupe, a part of the beach six miles to the westward. St Pierre describes this place as a frightful valley between two steep mountains, the strangest solitude he had ever seen, there being an eternal calm at the bottom of this abyss, as he calls it, however the winds might rage above. The river des Pluis, about three miles east of St Denis, was intended for the other point of descent; the beach on this side the island is steep, composed of large shingles, and generally of difficult access. Thus far the weather had been favourable; it now began to change. Captain Willoughby, however, pushed off with a party of seamen and a detachment of light troops in a small prize schooner; a few boats followed and effected the landing; but the wind became violent, the surf ran very high, and some of the boats were stove. Lieutenant Lloyd of the Boadicea, then, with great skill, placed a light transport so as to act as a break-water, under cover of which a few boats landed; but her stern cable soon parted, and she was dashed to pieces upon the beach. It was now found impossible to put any more troops on shore at this point when the day closed. Four men were drowned in this attempt. Four-hundred-and-fifty had landed under Lieut.-Col. Macleod, but they had lost a considerable number of their arms, and all their ammunition was damaged. Colonel Keating was exceedingly anxious to communicate with this detachment: Lieutenant Foulstone, of the 69th, volunteered to swim to shore; he succeeded in this hazardous attempt by diving through the surf, from whence he was dragged by a boat-hook; and thus he conveyed orders to Col. Macleod to take possession of St Marie for the night. That officer immediately marched on with his little band, and carried the post with the bayonet during the night; a movement of great importance, for it kept a check on that part of the island, and prevented the junction of 800 men, who were already on their march to St Denis.

Meantime the detachment under Lieut.-Col. Fraser, which had landed at Grande Chaloupe, pushed forward a party over the heights above it, and drove away the riflemen, who had kept up a harassing fire. This brigade then moved rapidly over the mountains toward St Denis. Colonel Fraser halted on them during the night, and began to descend at four on the following morning. At the bottom of the hill the enemy were drawn up in two columns, with a field-piece attached to each, and supported by the heavy cannon mounted on the redoubt, ready to receive him on the plain. Immediately he ordered a charge; the enemy were driven from their guns by the bayonet; the commandant, Colonel St Susanne, escaped with difficulty, and the second in command was wounded and taken. The French attempted to form under the parapet of the re-

doubt; they were driven from thence; two of their guns which they had spiked were rendered serviceable and turned against them, and the batteries to the west of the river St Denis were stormed and demolished. This was on the morning of the 8th. At ten on the preceding night Colonel Drummond's brigade was dispatched in a frigate and two transports to Grande Chaloupe, to support Colonel Fraser; but the frigate was the only one which gained the anchorage, and debarked her troops about day-break. During the night Colonel Keating remained in great anxiety for the detachments on shore; in the morning, finding it still impracticable to land at the river des Pluis, he left the Iphigenia to seize the first opportunity of putting the remaining part of the third brigade on shore, and proceeding to leeward with the rest of the troops, landed with them at Grande Chaloupe before noon. Two companies were sent from thence against La Possession, to prevent any reinforcements arriving from St Pauls; they stormed the batteries at that post, and the commander-in-chief pursued his way over the heights.

About two in the afternoon, Col. Drummond's brigade, after a severe march over the mountains, harassed by the enemy's chasseurs, who hung upon their flanks, came in sight of St Denis, lying in the plain below them, with its gardens round, and its river winding down from the mountains behind; appearing, says one who was present at the scene, like a beautiful map spread out beneath, where every object could be traced with perfect exactness. But there was little time for contemplating the lovely landscape. As they descended they were exposed to a heavy fire of cannon, grape, shell, and musketry from the town, without any possibility either of returning or avoiding it; Colonel Fraser, however, from the redoubt which he had won possession of, kept up a brisk fire upon the town; a sortie had been made to drive him from this post; he had advanced to meet the enemy, charged them and drove them back; and now, being joined by Colonel Drummond, preparations were made for storming the place. Colonel Keating was now on the heights and hastening down, when a flag of truce was sent out to treat for the surrender of the whole island. The troops were to march out with the honours of war, and embark either for the Cape or England; and the officers were allowed to retain their swords and military decorations, and in like manner to continue prisoners, only the commandant, St Susanne, was to be allowed a passage with his family either to Mauritius or France, upon giving his parole of honour not to serve during the war, or till he should be regularly exchanged. Laws, customs, religion, and private property, were insured by the capitulation, and the unusual provision was granted, that funeral honours should be paid to the French officers who had fallen, according to their respective ranks. The loss of the British scarcely exceeded what they had sustained in their expedition to St Pauls; 18 killed, 79 wounded, and 4 drowned in landing; with so slight a loss, and in so short a time, was this important conquest achieved.

A series of unexpected disasters followed, which for a moment gave the enemy the command of the seas in that quarter. The Africaine frigate was taken by a superior force. The Ceylon shared the same fate, having on board General Abercrombie, who was to command the expedition

against Mauritius. The French commodore by whom he was captured, said he should have the honour of introducing him rather sooner than he expected to M. de Caen, governor of the French island; but in the course of a few hours the Ceylon was recaptured, and the general, thanking M. Hamlen for his intention, said he felt extremely happy to have it in his power to return the compliment, by introducing him to Commodore Rowley. Two Indiamen, a transport, and gun-brig, all with troops on board, were likewise taken by the enemy's cruizers. But the British squadron sustained a far heavier loss at Mauritius. They had garrisoned the small isle of Passe, at the entrance of port Sud Est, and the Sirius, Nereide, Magicienne, and Iphigenia frigates were cruizing off that station, when three French frigates, the Bellona, Minerva, and Victor, with the two Indiamen their prizes, ran for that port; one of the Indiamen was turned and recaptured by the Sirius, but the troops had been taken out of her, and the other with the frigates got in. Here Captain Pym determined to attack them, but he was not aware of the difficulties of the navigation; three of his ships grounded, and the fourth was prevented by a shoal from closing with the enemy, who were thus enabled to open all their guns upon the Nereide. Captain Willoughby lost an eye, and was otherwise miserably hurt about the head; a boat from the Sirius came to bring him off, but he declared he would never abandon his men, and would not strike the English flag while there was a man on board able to support it: the ship was fought till, of her whole crew, consisting of 280 men, every man was either killed or wounded; the Nereide then fell on shore a mere wreck, and the enemy took possession of their dearly-purchased prize. The Sirius and Magicienne were in such a state, that it was neither possible to heave them off, nor to get their guns to bear, while they themselves lay within long shot both of the French ships which were in shore and off the batteries. Captain Pym found it therefore necessary to set fire to them; their crews were landed upon Isle de Passe, and the Iphigenia was warped up to that anchorage to support them. They had only provisions and water for a week; before they could receive succours, three French frigates and a corvette, from Port Louis, came and blockaded them; the Bellona was warped off and added to the enemy's force, and, having no means either of escape or subsistence, they were compelled to surrender.

These events occurred at the end of August; the French became for a moment masters of the sea; they formed the blockade of St Denis, and some of the inhabitants of Mascarenhas, encouraged by the unexpected success of their countrymen, formed a plot for recovering the island. But it was discovered in time, and Commodore Rowley, after having been himself chased by the enemy, made such exertions, that in less than a month the French were fain once more to seek shelter in their ports. He took the French commodore in the Venus, and recaptured the Africaine and Ceylon. The losses which Great Britain had sustained, when mistress of every other settlement in these seas, shewed more clearly the necessity of depriving the enemy of this their last and most important hold; the preparations for the expedition were continued; the divisions destined for it, excepting that from the Cape, joined at Rodriguez on

the 22d of November, and on the same day the fleet, consisting of 70 sail, weighed anchor.

Mauritius, which has been called the Gibraltar of the East, is about 35 miles in length and 23 in breadth. It has two considerable harbours. Port South-East, which the Dutch made their principal port, is the most spacious, and because it is on the windward side of the island, it is the easiest of entrance, and the healthiest in situation; but the same cause which renders it easy for ships to enter makes it difficult for them to get out, the wind almost perpetually blowing in. The French therefore preferred Port Louis, which is on the north-western coast, and there they built the only town upon the island, in a narrow valley at the head of the harbour. Relying upon the reef which surrounds the island, they seem to have expected that the town would only be attacked from the sea, and here they took every means for strengthening it. For the last half century the French ministers have especially recommended that the woods upon the open flanks of the town should be preserved. A long low island, called L' Isle aux Tonneliers, lying in the mouth of the harbour, and extending from its eastern side half way across, has been joined to the main land by a causeway above eight hundred feet in length, and upon this there are batteries, mounted with about sixty mortars and pieces of large calibre, and furnaces for heating shot. The port is approached from the north-east, and an invading fleet is therefore exposed to the whole fire of these works. The navigable channel is about a mile and a quarter long, and 250 yards in breadth; and on the opposite side is another island, called Fort Blanc, with about 35 guns and a mortar battery. The gorge of this narrow channel, now that an attack was expected, was closed by a chain of great strength, vessels were sunk to contract the passage, and four frigates were moored inside, head and stern, filling the whole interval, and presenting with their broadsides a battery of more than 80 guns. There were also detached works along the shore. The principal batteries have ramparts of 25 and 30 feet, or treble this when the nature of the materials required it, and parapets of eight feet high. The guns were worked in *barbette*, on lofty traversing carriages. The reefs prevent an approach within grape range. "Thus," says an officer who served on the expedition, and has published a brief but clear account of the conquest, "Port Louis is almost inaccessible by sea. You would be forced to pursue the tedious process of dismounting the guns of works which cannot be enfiladed, and during the whole operation be exposed to the fire of about 190 pieces of artillery."

The town is situated in the most disagreeable part of the island. It stands in the opening of a valley about three miles long, and from 800 to 1000 yards wide. This valley is formed by a chain of mountains, the highest in the island, which bend round it in the rear. The highest part terminates in a rock, called La Pouce, and here M. de la Bourdonnais had projected a sort of citadel which would have been almost impregnable, but it was never executed. On the eastern side there were lines reaching from the hills to the sea, in tolerable repair, but not mounted with many guns, wanting more flanks, and utterly deficient in connection with and support from the hills. On the western side the lines had been suffered to fall to ruin, for the French de-

pended upon the batteries at Grand River, which if the enemy advanced along the shore might be a sufficient defence; but if they came from the interior, skirting the mountain Decouverte, the town would have been entirely exposed on that side, where it might easily be made defensible. The town itself is incapable of defence. Being built of wood, the houses are not even musket-proof, and in a few hours it might be laid in ashes. General De Caen relied too much upon the sea works, and neglected to strengthen himself on the land side.

On the 29th, the English fleet anchored off Mauritius, in the narrow passage between the islet called Coin de Mire and the land. The French, who had a fort called Marlastri, in a bay about a league to the westward, immediately blew up the works. They had supposed that the reefs which surround the island rendered it impregnable, and that it was impossible for a fleet of transports to find anchorage. But Commodore Rowley had had every part of the leeward side minutely examined, and had discovered, not only that a fleet might anchor in this strait, but that there were also openings in the reef here through which several boats might enter abreast. Two brigs, which drew but little water, anchored on the reef, within a hundred yards of the beach, to cover the landing; and before the evening closed, 10,000 men, with their guns, stores, and ammunition, and three days provisions, were safely landed. The disembarkation was conducted by Captain Philip Beaver, late of the Acasta, now of the Nisus frigate, who displayed the same zeal, activity, and talents, which have distinguished him upon every occasion. One division of ships of war remained for the protection of the convoy at the anchorage, another maintained the blockade of Port Louis, while that under the commodore shifted its station as circumstances required, to keep up a more effectual communication with the army as it advanced.

The bay of Mapon, where the landing had been effected, is about fifteen miles from Port Louis; it was necessary to advance as soon as possible, because after quitting the beach five miles of the road lay through a very thick wood, and it was therefore of the utmost importance that the enemy should not have time to occupy it. Here the advanced guard fell in with a picquet of the corps which was retreating from Marlastri, and Colonel Keating, with a few others, was wounded. This was the only resistance which was met with till the columns reached the more open country. The men halted about midnight, and resumed their march before daybreak. General Abercrombie intended not to halt again till he was before Port Louis; but the men were greatly exhausted for want of water, as well as from the exertions which they had made, and he found it expedient to take up a position about noon at Moulin a Poudre, on a gentle elevation, a wood stretching along its front, and extending with some intervals to Port Louis, five miles distant. The French commander, General de Caen, with about 80 of his hussar guard, came himself to reconnoitre the invaders here, and surprised and cut to pieces a small picquet which he fell upon in the wood. He was pursued by some light companies; some few of his men fell, and he himself narrowly

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escaped, one ball grazing his leg, and another passing through his hat. Early the next morning, Lieut.-Col. M'Leod was detached to the right to seize the batteries at Tombeau and Tortue, at which points it had been arranged that the troops should draw their supplies from the fleet. Our seamen had already driven the enemy from some of their batteries, the remainder were evacuated as the troops approached. At five o'clock the army broke into columns of sections, advancing by the centre through the wood. Before it had advanced five hundred paces, a desultory fire was commenced by the enemy's light troops; they were opposed with better effect, and overtaken while endeavouring to destroy a wooden bridge over the Seche, but not before they had taken up the flooring. The British filed over the beams, and their field-pieces were dragged across the bed of the stream by the seamen. A little way on the other side of the river the enemy had taken up a strong position; their force consisted of about 3500 men, under General Vandersmars, the chief part of the army remaining with the captain-general within their lines. This advanced position was very favourable for annoying the head of the British column as it shewed itself at the end of a narrow road, with a thick wood on each flank. The moment it appeared, the enemy's line poured upon it a sort of confused volley, and before the troops which had cleared the defile could form, the column in different parts, as it lay along the windings of the road, was exposed to a shower of grape. Colonel Campbell and Major O'Keefe fell at this time,—two officers of distinguished ability. The troops formed with as much regularity as the broken ground would admit; the grenadiers of the 59th were first, they had reserved their fire, and being supported by the flank companies of the reserve, they hastened to charge the enemy; but the French did not venture to stand their charge, they retired, or rather fled, when our men were within about fifty paces of them, abandoned their field-pieces, and hastened confusedly to seek shelter within their lines. There was a signal post on a hill called the Pirebot, from whence every movement of the army could be discerned; having driven the French from their position, a corps ascended that eminence, took down the enemy's flag, and hoisted the British ensign. This was the first time that the British flag had been planted in Mauritius, and it was hailed with shouts, which rung among the hills in echoes, as chearing to the English army as they were unwelcome to their dismayed opponents.

Dec. 1.

From the intense heat, the exhausted state of the troops, and the lateness of the day, General Abercrombie delayed his attack upon the lines till the following morning, and took up a position just out of range of their shot, with his left on the Pirebot. During the night a party of marines joined the army. In India they are usually dressed in white and blue, and they were now, in the obscurity of night, unhappily mistaken for French soldiers: the alarm spread, several corps stood to their arms, some gave fire, many were wounded, and some lives were lost. The enemy also are said to have been disturbed by a false alarm, during which the national guards betrayed such irresolution, as had some influence in disposing the general to capitulate. On the following morning, while General Abercrombie was

Dec. 2.

about to detach a corps to the southern side of the town, and making arrangements for a general attack, a flag of truce arrived. Gen. de Caen demanded that the troops and seamen should be sent to France, that the four French frigates and the two corvettes in the harbour should be retained by them for that purpose, and that inventories should be taken of all the articles belonging to the emperor, to be preserved for him and restored at peace. These two last articles were rejected,—so ought the former to have been; but General Abercrombie, following a precedent which never must be mentioned without reprobation, consented to convey the troops to France, leaving them at full liberty to bear arms against us and our allies. Our ablest journalists remarked with proper feeling, that harder terms ought to have been enforced, because, as far as humanity permits, we should lose no opportunity of degrading in the eyes of Europe an insolent enemy, who is incessantly endeavouring to represent England as inferior to France in courage and policy, and in all the arts of war. There was no want of means to dictate our own terms; the Cape squadron, with 2000 troops, arrived during the negociation, and surely their weight should have been thrown into the scale.

Our loss amounted to 29 killed, 99 wounded, 45 missing. About 1500 prisoners were delivered. They were confined in prison ships, and for some months previous to the attack were kept indiscriminately under hatches, scantily victualled, and treated with unusual severity. The day after the capitulation was concluded, a French officer, on the guard of one of these ships, told the men they were at liberty, and most imprudently added, that some casks of arrack on the deck were at their service. The poor fellows presently got drunk; then they quarrelled with the French soldiers, and proceeding to take vengeance for the indignities which they had suffered, threw one of them overboard. The French frigate moored alongside could not quell them till she had fired some rounds of grape upon them, which killed or wounded twelve, and drove the remainder below. Better treatment during their captivity, or less imprudence in restoring them to their freedom, would have prevented this bloodshed.

This is the first revolution which the Isle of Mauritius has undergone, the first war that has ever been waged there; yet the history of that island would be considered as disgraceful to France and to humanity, if our own colonial system had not familiarized us to the contemplation of human sufferings and human wickedness. The Dutch, who first possessed it, purchased slaves from the French at Madagascar; these poor people had all been kidnapped by the villainous settlers in their country; they fled to the woods, and made such continual incursions upon their former masters, that the Dutch at length forsook the settlement in despair in 1712. The French had established themselves in Mascarenhas half a century earlier; they were indebted for that colony to Flacourt, who was governor of their establishment at Madagascar, and who wrote the best book which has yet appeared concerning that great country. From Mascarenhas they now took possession of Mauritius. In both islands the sin of slavery brought with it its punishment, and the runaway slaves lost no opportunity of taking vengeance upon their tyrants. The French, who speak with such horror

of Cortes and Pizarro, instead of making any effort to conciliate or civilize them, which might so easily have been done, set a price upon their heads. Admiral Kempenfelt relates, that the captain of a French ship, knowing the Maroons in Mascarenhas could see from the mountains every thing that passed where his vessel lay, ordered some of his sailors to land, and enjoy themselves on shore with biscuit and cheese, and brandy, some bottles of which he mixed with arsenic. The negroes came towards them, and took possession of the bait which had been left for them. The next morning this villainous murderer sent on shore to see for how many heads he was entitled to claim; twenty were found, and about as many more so swelled with the quantity of water which they had drank to allay their torment, that they were incapable of moving. They also past into the other world, where, as Kempenfelt says with proper feeling, it is probable they found a more happy allotment than the captain experienced when he made the same voyage.

This wholesale murder was an act of individual guilt: it is more painful to think of the daily and hourly crimes which arose from the accursed system of slavery. For the most trifling fault or even accident, for neglecting to shut the door, or for breaking a plate, the slaves, without regard to sex, were flogged till covered with blood, and vinegar and salt was then rubbed into their wounds. They were tied hand and foot to a ladder, the overseer then came with a whip, like a French postillion's, and laid on 50, 100, or twice as many lashes, every one of which carried away the skin. St Pierre says, "that the smack of the whips echoed in the hills like the report of a pistol, and that when he went abroad the cries of Mercy, master, mercy! used to pierce his heart." At night, as if to add insult and mockery of religion to cruelty, they were regularly made to pray for their hellish masters and mistresses. An eighteenth part of all the slaves in the island were every year consumed by this system of slow murder. Many of these poor wretches destroyed themselves. They have often put to sea in a canoe, in hope of reaching Madagascar; more have sometimes made the attempt than the canoe would carry, and they have then been known alternately to embark and swim throughout a voyage of 100 leagues! In Madagascar it is believed that the French bought slaves to eat their flesh, make red wine of their blood, and gunpowder of their bones. If it had been so, the guilt of the planter would scarcely be greater, and the misery of the slave would be less. When the priest attempts to convert them, his main difficulty is to persuade them that the Europeans, who have been the cause of all their sufferings, can ever be instrumental to their going to heaven. They comfort themselves by a belief, that the volcano in Mascarenhas is the mouth of hell, into which the white men are plunged; and where the demons employ them as slaves in digging the bowels of the mountain, and directing the lava streams, under negro drivers who are as remorseless as they have been themselves.

The runaway slave when he was caught, was whipped for the first offence, and marked, by having one of his ears cut off; for the second, he was again whipped, hamstrung, and put in chains; for the third, hung or broken alive on the wheel. They went joyfully to execution, and suf-

fered without a groan. St Pierre saw a woman throw herself eagerly from the ladder, that she might be the sooner in that world where she expected that mercy which had been denied her in this. The Maroons were hunted like wild beasts, which Baron Grant assures us was absolutely necessary! But it was not sufficient to employ soldiers and dogs; the inhabitants would form parties of pleasure for this purpose, put up a negro as they would a deer, and if they could not make a chace of it, they shot him and brought his head into the town in triumph upon the end of a stick,—a sight of which St Pierre was an eye-witness every week. These poor wretches used to venture at night down to the sea-side for the sake of fishing; they spent the whole morning in casting lots, by which they were to be guided for the day; and such was the continual fear and danger in which they lived, that the moment a child was born among them it was put to death, lest its cries should discover their hiding place. Some half century ago, about forty of them retired to the promontory of Brabant, and began to make plantations, hoping they might remain there unobserved, or at least unmolested; but the Europeans marched a force against them, and, rather than return to slavery, they all threw themselves into the sea. These horrors grow out of the system of slavery, not from the national character of the French in Mauritius, or the Dutch in Surinam. Shocking as they are, they may be paralleled in our own islands, where Hodge has so lately been executed, and where Huggins is still unhung. The abolishment of the slave-trade is indeed the greatest triumph that humanity has ever obtained; but humanity has done but half its work, till slavery itself is abolished wherever the power of Great Britain extends.

Mauritius was the favourite colony of France, and no colony has ever had more efforts made for its improvement. M. de la Bourdonnais, the most distinguished of its governors, introduced the mandioc from Brazil, and compelled every inhabitant to plant 500 feet of ground with it for every slave which he possessed. This so disgusted them, that some even watered the plantations with boiling water; but it was not long before they discovered that a root which was equally safe from the hurricanes, which are the only natural plague of the island, and from the locusts, who were then their worst enemies, effectually secured them against famine. The nutmeg, the clove, the bread fruit, and the dry rice of Cochin China, were introduced by M. Poivre. Ornamental trees have been brought from different climates; the gold fish from China, and the gourami, which is esteemed the best fresh-water fish of the East, from Batavia. It was attempted also to colonize the island with frogs, because they would eat the egg and the worm of the mosquito, and the French would eat them; but this attempt was unsuccessful. The Cape bird, which was transported there for its song, has become so mischievous to the plantations, that the government endeavoured to destroy it, by setting a price upon its head; but another bird from the same country, known by its habit of impaling worms and caterpillars upon the thorns of the bushes, has been found exceedingly useful, and is called the gardener's friend. A few enemies have been imported; wherever ships find their way rats go with them,

and it is said that their depredations contributed as much to make the Dutch forsake the island as the incursions of the Maroons. The cock-roch has been brought from America, and is at this time the greatest scourge of both islands. Snails and ants have only been known there within the last thirty years, and both are exceedingly destructive. Still more recently, the kermes has destroyed the prickly pear, which used to form almost all the hedges. In St Pierre's time, the locusts were the scourge of the settlers; he has seen them light upon the fields like a fall of snow, and cover the ground to the depth of several inches; but they have been completely extirpated by the universal practice of sweeping them in their grub state into holes about the size of the crown of a hat, dug for the purpose, covering them with a spade-full of earth, and then treading the grave down. This is perhaps the only instance in which human industry has ever cleared a whole country of a pernicious insect: a wind from the south may possibly again bring over a few stragglers, but in an island of that size, whenever they multiply, it will be easy again to destroy them.

When the island was discovered, it was overgrown with woods, which have been rapidly wasted. The first settlers, intent only upon clearing the ground, felled the trees, without any forethought of evil consequences, and planted none to supply their posterity. The havock is also increased by the custom of setting fire to the grass in September, thus yearly lessening those forests which the axe had spared. Hence the soil, being in parts wholly despoiled of shelter, is parched by the sun, and the diminution of the woods has diminished the quantity of rain. Attempts have been made to raise plantations of young trees, but it is difficult to rear them, because of the aridity which has been thus produced, and because when the rain does fall, it washes away the loose earth from their roots. The remedy for this evil is to prohibit burning the grass, and to plant such trees as require least moisture. The climate is temperate and salubrious: white men can work in the open air; yet girls, it is said, are sometimes married at eleven: this precocity must be the effect of education and manners, not of the latitude. Viscount de Vaux states the population in 1779 to have amounted to 65,000, of whom 10,000 were white and mulattoes, and 55,000 slaves. Since that time it is supposed to have doubled. Port Louis is said to contain about 6000 houses; its population therefore cannot be overrated when taken at 30,000. In St Pierre's time, this capital was called the Camp, and had scarcely any appearance of a town. Bory St Vincent, who guesses its inhabitants at only half the number which our author assigns to it, gives no very inviting account of its appearance; he speaks of unpaved streets, low wooden houses, most of them having only a ground floor, none rising above a single story, and negroes going about naked; giving, besides the indecency of the sight, an air of misery and savageness to the place. But the lowness of the houses is the effect of prudence and not of poverty, for thus they escape the force of the hurricanes to which the island is subject; and the officer to whom we are indebted for the details of the expedition, describes them as painted, and kept in the cleanest order without, and ornamented

within in a style approaching to Parisian elegance. Perhaps the French revolution has improved Mauritius, as Louis the Fourteenth's persecution was the means of improving the colony at the Cape. Many old and noble families took refuge there, and carried with them feelings which adversity had purified and ennobled, and manners which it had not debased.

Mascarenhas is rather the larger island of the two : it is nearly circular, without a single bay or creek on its coast, rising gradually from every side to a volcano near the centre, which is said to be 9000 feet above the level of the sea. The landing, even at the capital, is exceedingly difficult. In St Pierre's time, a drawbridge was used for unlading sloops ; it projected more than fourscore feet over the sea, being sustained by iron chains, and at the end there was a rope ladder for those who would land to ascend by. This was the only place in the whole island where any person could land without first jumping into the sea. A mole, which M. de la Bourdonnais constructed, was carried away by the waves. St Denis is described as more like a village than a town ; the streets are fenced with palisades, and resemble roads in the country, half overgrown with weeds. European commodities are enormously dear there, being purchased from Mauritius. The soil, however, is more fertile than that of the other island, and the cultivation better. The coffee is reckoned little inferior to that of Mocha : great use is made of it ; it is considered a necessary article of life for those who sleep on the ground, and the best refreshment for those who are exposed to fatigue and cold. St Vincent says, that the poorest hunters, who pass the night in the woods, and confine the rest of their portable equipage to so many rounds of powder and ball, a tobacco pipe and a steel, never dispense with coffee ; and if they are lucky enough to find honey to sweeten it, they prize the beverage beyond all the strong liquors in the world. Experience has convinced them of its virtues,—perhaps they learnt them originally from some of their African slaves. The food which enables the Galla to traverse wide deserts, and fall suddenly upon the cultivated country of Abyssinia, consists only of balls of coffee mixed with butter : a lump of this composition, about the size of a billiard ball, keeps them, they say, in strength and spirits during a whole day's fatigue, better than a loaf of bread or a meal of * meat. Coffee is the most valuable production of the island. An officer who has published an account of the conquest, estimates the total value of its agricultural produce at 1,430,800 dollars, of which the coffee amounts to 732,000, and cloves to 540,000 ; the remaining items are cotton, corn, maize, garvanzos, and potatoes. The public revenue he estimates at 230,000, the population at 90,346, of whom 16,400 are whites and creoles, 3496 free blacks, and 70,450 slaves. Near half the inhabitants were swept off about five-and-twenty years ago by the small pox, yet Bory St Vincent says they would neither admit variolous nor vaccine inoculation.

Mascarenhas had suffered much from the war ; being without a port where ships might find security, its commerce was entirely destroyed, and manufactures and agriculture were both declining in consequence. But

* Bruce.

Mauritius had profited by the state of things; from hence the French carried on their intrigues with the Arabs, with Persia, and with the Indian powers; here their privateers and cruizers brought all their prizes; the Arabs, who traded under our favour along the whole coast of India, supplied them with rice, and took in return prize goods at half cost. The naval defence of India, while the enemy possessed this settlement, occasioned an annual expenditure of more than 1,500,000l.; more than half the force may now be withdrawn, and even this material diminution of expence is less important than the saving in human life which will be effected, by withdrawing so many of our seamen from an unhealthy climate.

Having accomplished a conquest which we were so long afraid to attempt, what ought to be the determination of England concerning these important islands? Is she to retain them, or to restore them whenever peace is made, that in a future war we may be exposed to the same losses and the same danger as in this? A * writer, whose opinions are entitled to great weight, says, that whenever the question of peace comes to be agitated, the restoration of these islands will be made a *sine quâ non*: that this consideration will have its due effect on those who may have to negociate, and that, looking forward to this, we ought to pull down rather than build up, to demolish rather than repair. But with regard to these and our later conquests in Java, he says, the † wisest and most profitable policy would perhaps be that of delivering them into the hands of the natives; taking care, however, in the first place, to demolish all the forts, batteries, lines and redoubts, arsenals, magazines, storehouses of every description of a public nature, and to bring away or destroy all arms and ammunition, and on no account whatever to suffer a single French, Dutch, or other European officer or soldier to remain upon any of the islands, leaving no kind of naval or military stores that could facilitate the rebuilding and re-establishing their defences. A measure of this kind would remove all temptation from the enemy to recover the possession of Java or the Mauritius. To rebuild and re-establish are very different operations from those of stepping at once into a complete and ready furnished settlement. It may be easy enough to prevent him from forming new establishments, but very difficult to dislodge him from the old ones. The safest way, therefore, is to dismantle them altogether, and intrust them chiefly to naval protection.

Whatever might be the expediency of such measures with regard to Java, the circumstances of that great island are so different from those of Mauritius, that what might be allowable and even prudent in the one instance, may be both impolitic and abominable in the other. Demolish the fortifications of Mauritius, and the Arabian pirates will lay it waste;—disarm the people, and the negroes will settle their long arrear of wrongs, by cutting the throats of every white inhabitant. As to restoring the island, it is indeed to be expected that, if negociations were to be opened upon such grounds as they have been at the end of former wars, France would require the sacrifice,—but this contest is not like other wars. While that country is

* Quarterly Review, No. 9. p. 240.

† Ibid, No. 12. p. 498.

under its present ruler, or while it retains its present power, or is actuated by its present principles, peace is impossible; and, as far as human foresight can discern, England must never talk of peace till she is in a condition to dictate it.

Mauritius is valued by France, not as a commercial colony, but as a military and naval station, from whence she may threaten and endanger our Indian empire. What may be the hopes and fears which a wise man must feel concerning that extraordinary empire, this is not the place to say; but it is our obvious business to deprive the enemy, as far as possible, of the means of annoying us there, and it is our duty to make Mauritius and Mascarenhas British colonies, for the sake of all the adjacent countries, as well as of India. For nearly two centuries the French have been the curse of Madagascar. The first thing they did, when they attempted to make a settlement there, was to exterminate the descendants of some shipwrecked Portugueze, who retained enough of their fathers' arts and knowledge, to have acquired a beneficial ascendancy among the natives. The settlements which at different times they formed there were so many nests of slave-dealers, and in these times not less than forty of their agents were dispersed round the coast to encourage war among the different tribes, as the readiest way of procuring a supply of slaves. Even this great island, kept in barbarism as it was by these nefarious means, was not sufficient to satisfy their demands; and for many years past, the natives of the north-west coast of Madagascar have been in the practice of sending out expeditions, consisting sometimes of 300 large boats, and from ten to twelve thousand men, against the Comoro islands, for the purpose of carrying off the peaceable inhabitants and selling them to the French. In this manner they have nearly depopulated the beautiful island of Hinzuen, where Sir William Jones found a hospitable and happy people, who were well enough informed to be solicitous for information of the political state of the maritime powers, and Russia, and Turkey, and America; who were desirous of increasing their comforts by extending their commerce; and who had written in their mosque a lesson of Arabian wisdom, which may be read with profit in Europe: "The world," it said, "is given us for our edification, not for the purpose of raising sumptuous buildings: life, for the discharge of moral and religious duties, not for pleasurable indulgencies: wealth, to be liberally bestowed, not avariciously hoarded: and learning, to produce good actions, not empty disputes."

At the close of the 15th century East Africa was rapidly advancing in civilization: settlements were formed by the Arabs on its islands and along its shores, whose merchant kings remind us of Phœacia; but their growing prosperity was destroyed by the Portugueze, who, at the expence of more immediate evil than has yet been repaired, accomplished the great object of effectually stopping the progress of Mahommedry. However erroneous in their opinions, however cruel in their means, their views were great and generous; while the French slave-dealers in this age have inflicted similar evils upon the Comoro islands, in pursuit of a traffic which other countries have pronounced infamous. Our conquest of Mauritius has delivered the East African islands from the curses of this abominable trade: were it only for this reason, that con-

quest ought never to be relinquished. It secures us also the trade of the Red Sea, and that ascendancy in the Persian Gulph, which was threatened by the intrigues of their agents at Muscate and Bussora. They had fixed their eyes on Ormuz, and they had endeavoured to establish themselves upon the island of Camaram, thinking, by the possession of that island and its excellent harbour, to exclude us from the Red Sea; the very policy which the Turks, when they were a politic and a powerful people, attempted against the Portugueze. In the piratical Arabs, in the Wahabees, and in the Imaun of Sana, with all of whom they had established an intercourse, they would have found effective and formidable allies, and they would have obtained a still more powerful one in Persia, if Great Britain had not happened for once to send out as able an embassador as France. One vigorous measure has frustrated their projects, and our possession of Mauritius may be as beneficial to East Africa, as the British conquests in Asia have been to the people of Hindostan.

But to make the possession of these important islands secure, they must be made English by something more than mere possession, and receive the laws and language of England. Their size, and the small number of their white inhabitants, render it easy to effect this; and if we have not learnt from the Romans the wisdom of this policy, we have gone to school to little purpose. In Mascarenhas, Colonel Keating seems to have depended upon the friendly disposition of the people, for no sooner had he conquered the island than he ventured to raise a corps there, putting arms into the hands of the very men who had so recently been in arms against him. General Abercrombie, it is said, did not fully approve of this confidence; the inhabitants of that island are no doubt better disposed to us than those of the Mauritius, because they have every thing to gain by the change of government, and perhaps also the remembrance of their English descent has not been without its influence in a considerable portion of them; for many Englishmen, the companions of Avery, Condor, England, Pattison, and other pirates of those days, settled there, having enriched themselves in the Red Sea and the Gulph, and their descendants are said to be very numerous. No such disposition can be supposed to exist in the other island, but it will not be difficult to produce it. The first step must be to declare our determination of retaining permanent possession; the next to establish schools, and provide that all the children be taught the English language. Build churches there, instruct the negroes in the English faith, make laws for the gradual abolition of slavery as well as of the slave trade, and the next generation will see these islands more flourishing, more happy, and more secure, than any of our own colonies are at this moment, or seem likely to become.

CHAP. X.

Marriage of Buonaparte. Holland annexed to France. Anti-Commercial Decrees. Affairs of France, and of the North of Europe.

AT the commencement of the year the people of France were informed, that a reduction of 200,000 men would be made in their military establishment; thus limiting it to 700,000, half of which force was to be employed in the defence of the coast, and in what were called maritime expeditions, the other half destined to carry on the operations in Spain:—Spain, where Buonaparte had promised that not a village should be in arms by the Christmas of 1808,—Spain, which, after the retreat of Sir John Moore, Lord * Grenville and Lord * Auckland, had declared to be actually subdued,—Spain still required, by the confession of the French minister of finance, a French force of 350,000 men, to support the poor puppet who had suffered himself to be made equally infamous and miserable, by being placed upon its throne. The Corsican, by whose folly and frantic wickedness this contest had been wholly and solely occasioned, knew how necessary it was to persuade the French people, that a war, which they felt to be so destructive, was not altogether as inglorious as it was unjust; and for the purpose of this deceit, the flags taken from the raw recruits and volunteers at Espinosa, Burgos, Tudela, and Somosierra, and those which had been betrayed by Morla at Madrid, were pre- *Jan.* 22. sented to the legislative body; a detachment of the grenadiers of the Imperial Guard were introduced, and seated on both sides of Buonaparte's statue, that the stage might be full; a few rhetorical speeches were let off, and the session then concluded, like a stage-spectacle, with a flourish of trumpets, and shouts of Long live the Emperor!—Buonaparte understands the people whom he governs: a few days before the representation of this scene, in replying to a deputation from one of the departments, and professing his anxiety to promote their happiness and their glory,—"I say their glory," said he, "for without it, I conceive there can be no happiness for a Frenchman." So well was he aware of this, that even just after the conclusion of the most splendid campaign in which he had ever been engaged, he found it necessary to go back fourteen months for such trophies as these.

The produce of the customs in 1809 fell short of the receipts of the preceding year, by more than a third

* See our last year's volume, p. 23.

part; but the minister of finance, when he announced this in his report, spoke of it as a fact which proved the success of the anti-commercial system; for the English exports, he affirmed, had decreased within the same time to the enormous amount of 19 millions sterling; so that the measure which diminished the proceeds of the French customs in a degree which could not occasion any embarrassment to the revenue, must prove fatal to England. Every artifice was employed to make the people believe that England was on the brink of ruin. The king's speech, as usual, was falsified and sent abroad. There it was said, that whatever temporary and partial inconveniences may have resulted from the measures which were directed by France against our trade and revenue, the great source of our prosperity and strength, those measures had wholly failed of producing any general effect. The official French paper substituted for these words a sentence, in which the king was made to tell his parliament, that they must be aware that the measures adopted by France to dry up the great sources of our prosperity had been to a certain degree efficient. It was said, that we were not merely on the verge of national bankruptcy, but actually suffering under all the horrors of famine; that our crops of every kind had failed; we were obliged to feed our cattle with sugar and molasses, and had nothing but sugar, cocoa, and coffee, and the skin and bones of these cattle for ourselves. To a certain degree, Buonaparte and his journalists may have perhaps believed the falsehoods which they circulated; they read in our own factious newspapers of decaying trade, diminished resources, and starving manufacturers; and the opposition told them, that France was certain of success in whatever she attempted on the continent; that the cause of Spain was hopeless; that it was impossible for us to carry on the war; that if we did not emancipate the catholics, Ireland would be lost, and the loss of Ireland would draw after it the downfall of the British empire. Speeches of this tenour and tendency were carefully translated for the use of the emperor's subjects, and sent from one end of France to the other: But when the French saw it asserted, upon the authority of English members of parliament, that the Spaniards and Portugueze had nothing worth fighting for; that they were inimical in their hearts to England; that Buonaparte was reforming the abuses of their old government, and redressing their grievances; when they saw it affirmed in the English House of Commons, that the people of Spain must know Marquis * Wellesley would, if the opportunity should offer, take both Spain and Portugal as Buonaparte had done; when they saw the same persons who represented Sir John Moore as a consummate general, a hero, and a martyr, vilify the talents of Lord Wellington, deny his merits, oppose the rewards which were so justly conferred on him, and maintain, in the face of their insulted country, that the British army had gained no victory at Talavera; it appeared to them impossible that language, at once so false, so absurd, and so co-operative with the designs of France, could have been uttered by an English tongue; Mr Whitbread's speeches were supposed to have been invented in France, and they attributed to the artifices of their own government.

* Volume II. p. 305.

what was in reality the genuine effusions of weak minds, irritable tempers, and disappointed faction.

"Messieurs," said Buonaparte to one of the deputations which congratulated him upon his victories, "myself and the Emperor of Russia, my ally, have made every effort to give peace to the world, but without success. The King of England, grown old in his hatred against France, wishes for war. His situation prevents him from feeling the calamities which it brings upon the world at large, or from calculating its results with regard to his own family. Nevertheless the war must come to an end, and we shall then be greater and more powerful than we have ever been. The French empire is in the vigour of youth; it cannot but grow and consolidate itself: that of my enemies is in the last stage of life; every thing presages its decay. Every year that they retard the peace of the world, will only augment my power." That power appeared to superficial politicians to be established and secured by his alliance with the house of Austria. The negociations for this marriage were carried on with the utmost secrecy, though his divorce made it certain that he was about to take another wife. Vienna was almost the only court in Europe in which it was not conjectured that he would seek one. At length the Vienna journals officially announced "the high destiny to which the Archduchess Maria Louisa had been called by Providence," and the continental journalists, who were debarred from other topics, continued for many weeks to fill their pages with accounts of the ceremonials, anecdotes of the imperial courtship, and descriptions of the beauty of the bride; her graceful form, the delicate whiteness of her complexion, the brilliancy of her blue eyes, the profusion of her bright flaxen hair, the fine shape of her hands and feet, and the beauty of her teeth, when the Austrian lips were opened by a smile, and discovered their perfect symmetry and exquisite colour. Nothing it seemed could equal her beauty, except it was her affection for the hero who had chosen her, or rather whom she had chosen; for the world was widely mistaken in supposing that the young archduchess was about to be led like a lamb to the altar; she was herself the prime mover of Napoleon's marvellous attachment: the whole ambition of her soul had been directed to enslave by her charms the conqueror of the universe. And this passion was not more ardent in itself, than it was extraordinary in its effects. To the astonishment of every one, she read the rapid and difficult writing of Buonaparte with a readiness which seemed like inspiration; and one day when she hastened eagerly to her father, and he asked the cause of the joy which was apparent in her countenance, she replied, "It is because we have obtained great advantages in Spain." The house of Austria is base enough for this part of the story to be true; for at the very time while preparations were making for the marriage festivals at Vienna, and for illuminating the city, at that very time Hofer was put to death by Buonaparte, and not one effort was made to save him by the unfeeling and worthless family which he had served so well!

Berthier was sent to Vienna as embassador on this occasion. At the first public entertainment given in honour of him, a transparency was exhibited, representing Fame supporting two imperial crowns, on which were the initial letters of Napoleon

and Louisa; under this was a winged genius uniting the arms of France and Austria, and decorating them with a crown of myrtle and laurel. The ceremony of formally demanding the archduchess took place on the eighth of March; and when Berthier addressed the future empress, telling her that her august parent had gratified the wishes of the emperor his master, he added, that political considerations might have influenced the determination of the two sovereigns, but the first consideration was that of her happiness. "It is above all, madam, your heart," said he, "that the emperor my master wishes to obtain of you. It will be delightful to behold the Genius of Power united on a great throne with those attractions and graces which render it beloved." This flower of eloquence was too late for the transparency, and as we were at war with France, it could not even serve as the subject for an embellishment in the Ladies Magazine, to which it would have been so well adapted. The portrait of Buonaparte was then presented upon a velvet cushion, and appended to the bosom of the archduchess by the grand mistress. Buonaparte requested Prince Charles to officiate as proxy, telling him, that he knew not a worthier prince, nor a greater general; and that the two battles in which they were opposed to each other in the last war had so covered him with glory, that he was anxious this solemn proof should be given of his sense of the prince's merits. "Be pleased then," said he, "to perform for me this interesting act, which tends to secure the tranquillity of Europe, and, by giving my hand to the Princess Louisa, efface every thing that is not inseparably connected with a perpetual friendship between France and Austria." Prince Charles felt no humiliation at being thus reminded of Aspern and of Wagram; of a victory which he had shown himself incapable of pursuing, and a defeat which had made him consent to purchase peace by the abandonment of principle and of honour. He replied to Berthier, that he was equally flattered by the emperor's choice, and penetrated by the delightful sentiment, that this alliance would efface all traces of political dissention, and that the moment in which he should present the hand of the archduchess in token of a reconciliation, as frank as it was faithful, would be the most interesting of his life.

Buonaparte met the princess at Compiegne. The first part of the marriage ceremony, which, according to the new laws of France, was the civil marriage, was performed in the palace of St Cloud, on the first of April. The parties declared, that they took each other in marriage; and then the prince archchancellor, in the name of the emperor and the law, declared that they were united. The religious ceremony took place on the following day in the chapel of the Louvre; an estrade, with a canopy over it, was erected in front of the altar, upon which two chairs of state were placed, with a praying desk, for Buonaparte and his bride. Close to the altar stood two large wax-tapers, in each of which twenty pieces of gold were incrusted, and a bason, containing thirty pieces of gold and the marriage ring, was laid upon the altar. At the bottom of the steps were two cushions for their majesties, and at the top, three chairs for the grand almoner and the two assistant bishops. To the right of the altar the cardinals were seated, and the bishops on the left. The whole of the procession

having taken their appointed places the *Veni Creator* was chaunted, and the grand almoner pronounced a benediction on the thirty pieces of gold and the ring. This being done, Buonaparte and the princess, taking off their gloves, advanced to the foot of the altar, and there took each other by the right hand, while the grand almoner said, "Sire, you declare that you acknowledge, and you swear before God, and in the face of his holy church, that you now take as your wife and lawful spouse her Imperial and Royal Highness Madame Maria Louisa, Archduchess of Austria, here present?" "Yes," having been replied, he continued, "You promise and swear to be faithful to her in all things, as a faithful husband ought to be toward his spouse, according to the commandment of God?" The same form was repeated to the princess, with this distinction only, that the word *acknowledge* was omitted, that word implying the validity of the previous civil marriage; but if Maria Louisa did not consider the civil marriage as valid, with what conscience did she regard the civil divorce from Josephine, by virtue of which she was now becoming the wife of a man actually under excommunication?

The grand almoner then delivered the pieces of gold one by one to Buonaparte, who presented them in like manner to his new empress, and she transferred them to one of her maids of honour. Buonaparte next, receiving the ring from the minister, placed it upon her finger, saying, "I give you this ring in token of the marriage which we contract;" and the grand almoner, making the sign of the cross upon her hand, pronounced them man and wife, in the name of the Father, and of the Son, and of the Holy Ghost. Kneeling then, and holding each other by the right hand, they received the nuptial benediction; they then resumed their seats and went through the ceremony of kissing the gospels, after which they advanced to the altar, each bearing one of the tapers with the twenty pieces of gold incased in it, which they delivered as their offering to the grand almoner. High mass was now performed, during which they were repeatedly perfumed with incense and sprinkled with holy water. During the *propitiare* they kneeled on the cushions placed for them, under a canopy of silver brocade, which was held over them by an archbishop and a bishop. They received the sacrament, and the ceremony was concluded by a *Te Deum*.

To mark the epoch of his marriage, as he said, by acts of indulgence and benevolence, Buonaparte proclaimed a free pardon to all deserters who had deserted before the year 1806, and to all whose desertion was of later date, on condition that they returned to the army; all unpaid fines imposed by judgement of the police were remitted, and a pardon granted for all former offences; and 6000 girls were to be married to so many retired soldiers of their communes; those who belonged to Paris with a dowry given them of 1200 francs, and those from the rest of the empire with half the sum: 12,000 dishes of meat, 12,000 loaves, and 144 pipes of wine, were distributed by lottery among the poor. When Buonaparte received the congratulation of the senate on his intended marriage, he replied to the president, "that he was happy in having been called by Providence to reign over a people of so much feeling and so affectionate, and that the Empress Maria Louisa would be a tender mother to the French." This was a happy

hint for the Parisians. "She will be a tender mother to the French," was of course one of the inscriptions on their triumphal arch. Another was, "We love her for her love of him; we love her for herself." A third, under the emblem of a rainbow, said, "She announces to the earth days of serenity." A fourth device was, Cupid playing with a sword and helmet, and the motto, "She will charm the leisure hours of the hero." Under the medallion of Buonaparte it was written, "The happiness of the world is in his hands."

On the day after the marriage, Buonaparte and the empress received the homage and felicitations of the senate and great public officers. "Sire," said the president, "it is with the most respectful and profound emotion that the senate this day present themselves before your majesty. Never have they more powerfully felt the force and dignity of those family ties which unite the monarch to his faithful subjects. Your most tender affections, sire, the most inward desires of your heart, will hereafter be identified with the first interests of the monarchy and the most ardent wish of your people, the duration of the most powerful dynasty which has ever been founded among men. How many hearts, even beyond the frontiers of your empire, have bounded with joy at what is to constitute your felicity, and your great soul has not been insensible to their transports! Europe contemplates with rapture the august daughter of the sovereigns of Austria on the glorious throne of Napoleon. Providence, sire, in reserving for you this illustrious spouse, has been pleased to manifest more and more that you have been born for the happiness of nations, and to secure the repose of the world."

The orator then addressed the empress; "Madame, the shouts of joy which have every where accompanied your majesty's steps, that concert of benedictions which still echoes from Vienna to Paris, are the faithful expressions of the sentiments of the people. The senate come to offer to your majesty testimonies of homage not less ardent,—not less sincere. The imperial crown which sparkles on your brow, and that other crown of graces and virtues which tempers and softens the lustre of the former, attract toward you the hearts of thirty millions of Frenchmen, who make it their joy and pride to salute you by the name of their sovereign. The French, whom you have adopted, and to whom, by the most sacred of promises, you have vowed the sentiments of a tender mother, you will find worthy of your kind regard. You will more and more cherish this good and tender-hearted people, who always feel an anxious wish to love those who govern them, and to place affection and honour by the side of zeal and obedience. These sentiments which we have the happiness to express to your majesties, are, under the guarantee of Heaven, like that sacred oath which has for ever united the great and splendid destinies of Napoleon and Maria Louisa." Had the orator forgotten when he spoke of this good and tender-hearted people, and the love which they bear to those who govern them, that he was addressing the niece of Marie Antoinette? The days are passed when it could be said to the house of Hapsburgh, *Tu felix Austria nube:* we have seen in what the last intermarriage between the courts of Paris and Vienna ended; and the beginning of this has been defeat and ignominy, and the sacrifice of every honourable feeling!

It was not enough for Buonaparte

to have complimented Prince Charles upon the battles of Aspern and Wagram, battles wherein, by his accumulated blunders, he threw away the fortunes of the continent, in an evil hour intrusted to his hands; he now, in thanking him for having officiated as proxy, sent him the grand ribbon of the Legion of Honour. "I request also," he said, "that you will accept the cross of the same legion which I myself wear, and with which 20,000 soldiers are decorated, who have been mutilated, or who have distinguished themselves in the field of honour. The first of these decorations is a tribute due to your genius as a general; the second to your bravery as a soldier." There was at least as much of cutting irony in this as of political compliment; but the most humble and obedient servant and cousin of his majesty, as he styled himself, replied, that he was deeply impressed with this distinguished mark of regard, and that his gratitude could only be equalled by the admiration which was excited in him by the great qualities which characterized Buonaparte. Having submitted to such an alliance, the house of Hapsburgh had nothing left but to affect to rejoice in it. Accordingly, orders were given that upon the spot where the princess took leave of her Austrian escort and was consigned to the French, a splendid marble monument should be erected, with an inscription in letters of gold; to transmit to posterity the date of that memorable event. Another monument was talked of: it was said that an obelisk was to be erected on the spot where Louis XVI. had been put to death; that a general fast was to be observed on the anniversary of his death; and that those persons who had voted for it were now at length to be punished: but some of those persons Buonaparte had found the most supple and servile of his agents, and if it was really his wish to destroy the others, he feared to provoke a spirit which, if it had seen no other means of safety, might, by an effort of despair, have in some degree atoned to France for the calamities of which it had been the cause. The inscription of Liberty and Equality, over the Hotel de Ville, was removed before the marriage, that it might not shock the new empress: it seems as if it had been suffered to remain there so long to remind the Parisians of their folly, their inconsistency, their crimes, and their sufferings.

It was said that Maria Louisa left a lap dog and a bird at Vienna, of which she was very fond. No sooner had she taken leave of them than, by Berthier's orders, they were sent post to Paris, together with the tapestry of her chamber, and on her arrival she was shown into a room which seemed to be exactly the same as that she had left, and where she found her favourites arrived before her. It was said also in the German newspapers, that before she entered France Buonaparte sent her a plain gold snuff-box, a present which surprised her, because she had already received others far more brilliant and valuable; but upon opening it, she found an imperial receipt in full for the twenty-five millions in arrears of Austrian contribution money. The Vienna Court Gazette declared, that this well-invented story was altogether false. A similar tale was told of Buonaparte's liberality to the Queen of Prussia, after the peace of Tilsit; it was equally false, and proceeded most probably from the same source. The French know the value of public opi-

nion, and they know that their falsehoods are current where the contradiction of them can never find its way.

Upon the marriage of the ill-fated Marie Antoinette, many of the French regretted the alliance, because they thought it would delay the destruction of Austria, and thereby defer the hour when France should obtain that universal empire, which, for more than a century, had been the object of her politics. They understood the character of Buonaparte too well to feel the same regret; they knew that he regarded oaths, and alliances, and ties of every kind, as mere instruments of his ambition, to be made or broken as occasion served; and they were well assured that while Austria, by this sacrifice of honour, procured only for herself a respite during the tyrant's pleasure, her influence was secured towards the furtherance of his immediate projects. Men in England speculated differently upon the event, according to the bias of their previous opinions. The admirers of Buonaparte pronounced it the master-stroke of all his perfect policy; now, they said, he had effectually established his family among the sovereign houses of Europe; he had identified the interests of the Buonapartes with those of the Austrian race; he was secure, and therefore he would be contented; should he become a father, domestic feelings and virtues might steal upon his heart: henceforth we might expect to see him cultivate the arts of peace, and become another Augustus. Now then for overtures and negociations,—and Mr Whitbread pronounced his benediction upon the marriage in the House of Commons, as an event which, if properly improved, might lead to the pacification and happiness of Europe. Others, remembering with regret the former state of things, under which so great an advancement in arts and sciences, and in the comforts of society had been made, considered the marriage as bringing with it at least this consolation, that it saved one of the old powers from immediate ruin, and seemed, in their judgement, likely to insure its preservation. There were others who, remembering how Austria had uniformly striven to put out the light of reformation and knowledge, and how Bohemia and Hungary lay crushed beneath her iron yoke, believed that no great and beneficial changes could be produced upon the continent till that house was destroyed. They saw great immediate evil for Germany in this union between two powers equally inimical to liberty. But the Corsican, they thought, had consulted his vanity more than his interest in this connection; he had rather changed his political relations than strengthened them: Russia would behold this new alliance with suspicion, and the German powers with fear; even in his own family perhaps the seeds of disunion were sown; the children of his lawful wife he had connected by marriage with one of his brothers, and with the house of Bavaria; however patiently they might appear to brook their mother's degradation, it was not to be expected that Maria Louisa could bear any good will towards them; a family share of Austrian pride would make her despise both the Beauharnois and Buonapartes as low born, and this feeling would be mingled with hatred, because she could not but know, that if ever the children of Louis Buonaparte were enabled to dispute the succession, the legitimacy of her offspring might easily be disproved. As for any change in the character of the Corsican, if any

fruit should be produced by this graft of Manchineal upon Upas, as well might the Ethiopian be expected to change his skin, or the leopard his spots, as this man to put away his inherent and inhuman nature. The preparations for his marriage had not prevented, nor even suspended, one of his murders in the Tyrol. In an age of civilization, he was a barbarian, without any of a barbarian's virtues; and it was his heart's desire to render the age as barbarous as himself. Therefore he hated liberty, and, if it were possible, would suffer neither a free press, nor a free man, to exist upon the face of the earth.

Two of his decrees, both issued a few weeks only before the marriage, abundantly evinced this disposition. By the one, the number of *Feb. 5.* printers and booksellers in France was ordered to be greatly reduced; they who were permitted to continue the trade, were to take out a license from the police, and swear that they would neither print nor expose to sale any work tending to entrench upon the interests of the state, or upon the duties which subjects owe to their sovereigns; and they were bound to indemnify the persons whom this decree threw out of their business. The *March 3.* other, under the title of a decree for the relief of certain state prisoners in France, established eight state prisons for five classes of persons, whom, in the words of the decree, it was neither convenient to bring before the courts of justice for trial, nor to set at liberty. The victims condemned to these dungeons were persons who had at different times made attempts against the safety of the state, and who would be condemned to capital punishments, if superior considerations did not oppose their being brought to trial; others who, having figured as chiefs in the civil wars, had taken again to flagrant crimes, but motives of general interest prevented them also from being brought to trial; others were robbers of diligencies, or men otherwise criminal, whom the courts were not able to condemn, though they were certain of their guilt; the fourth class consisted of persons who had been employed by the police in foreign countries, and having failed in fidelity, could neither be brought to trial, nor set at liberty, without compromising the safety of the state; the fifth were dangerous men, belonging to the different united countries, who could not be put on their trial, because their crimes were either of a political nature, or anterior to the union, and who could not be set at liberty without compromising the interests of the state. "Considering, however," the arch-tyrant said, "that his justice required him to assure himself, that those of his subjects who were detained in the state prisons were detained there for lawful causes, with a view to the public interest, and not from private considerations and passions; that it was fit to establish legal and solemn forms for the examination of every case, and that in forming the process of this inquiry, giving the first decision in a privy council, and revising anew every year the causes of the detention, to ascertain whether it should be prolonged, he should provide for the safety of the state, and that of the citizens, he had decreed, that no person be detained in a state prison but by virtue of a decision made in a privy council; that the detention was not to be prolonged beyond a year, unless by a new order; and that commissioners

were to inspect these prisons once a month, and discharge all such as were not detained strictly according to law." Thus, under the pretext of relieving state prisoners, did Buonaparte establish eight Bastilles in France, where all persons whom he should think proper to suspect were to be imprisoned, without being ever brought to trial, or even put upon their justification. Oppressions of this kind have been sometimes practised, but never before avowed; this is the first time that they were ever made an acknowledged and permanent part of the system of government.

The ambition of Buonaparte was as little likely to be satisfied by this marriage, as his heart was to be softened. Hints were given at this very time concerning his future views, which Austria could not misunderstand. "The Roman and German imperial dignity," it was said, "which, with regard to Rome, had long been an empty name, had ceased to exist upon the abdication of the Emperor Francis; from that time, therefore, the great Emperor of the French had a right to assume the title. Napoleon, who revoked the gifts which Charlemagne made to the bishops of Rome, might now, as legitimate lord paramount of Rome, like his illustrious predecessor, style himself Roman and French Emperor. He restores to the Romans the eagle which Charlemagne brought from them, and placed upon his palace at Aix la Chapelle; he makes them sharers in his empire and his glory; and a thousand years after the reign of Charlemagne, a new medal will be struck with the inscription, *Renovatio Imperii*. After ages of oblivion, the Empire of the West reappears with renovated vigour; for Napoleon the Great must be looked on as the founder of a revived Western Empire, and in this character he will prove a blessing to civilized Europe." What follows is worthy of being remarked; for it must be remembered, that all speculations of this kind, in the journals which are under the controul of France, speak the language of the French government. "The peace of Europe will thus be completely re-established. The great number of well-meaning people, to whom Napoleon's power seemed oppressive, while they considered themselves as exempt from any engagement towards him, will fulfil their new duties with inviolable fidelity. Considered in this point of view, it will appear that the re-establishment of the Western Empire is a duty which Napoleon owes not less to the law of self preservation, than to the repose of Europe."

In pursuance of the intention which was thus intimated, a Senatus Consultum appeared early in the year, by which it was decreed, that the Roman states should be united to, and form an integral part of, the French empire. They were divided into two departments, called Rome and Thrasimene. The city of Rome was declared to be the second in the empire; the prince imperial was to take the title of King of Rome; and after having been crowned in Notre Dame at Paris, the emperors were, before the tenth year of their reign, to be crowned in St Peter's. By the same decree, a mortal blow was aimed at the spiritual authority of the popes. It was enacted, that at their elevation they should swear never to act contrary to the four propositions of the Gallican church, adopted in an assembly of the clergy, in 1682, and these four propositions were declared

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common to all the catholic churches of the empire. Lands to the value of two millions of franks, free of all impositions, but lying in different parts of the empire, were to be assigned to the pope, who was to have palaces prepared for him in the different parts of the empire where he might wish to reside, but who was necessarily to have one at Paris, and another at Rome; and the expences of the Sacred College, and of the Propaganda, were declared imperial, that as little influence as possible might remain to the degraded head of the catholic church.

It was sufficiently apparent what rights were hereafter to be claimed by virtue of the title which Buonaparte had thus arrogated for his successors. Meantime he had nearer objects of usurpation. When first this adventurer began, like a knight of romance, to parcel out duchies and kingdoms among his kinsmen and followers, it was thought a wise as well as a grateful policy; he was thus surrounding France with states, whose dependence would be secured as much by the attachment of their rulers, as by the weakness of the people; and the desire which he manifested to aggrandize the children of Josephine as well as his own brethren, though in some measure to be imputed to political motives, seemed to show, that he still retained some natural feelings and human charities, which mitigated his bloody and brutal disposition. Time, however, discovered, that the tyrant had not even these virtues to redeem him from his vices. Of all the people of the continent, the Dutch had given to France the least cause or pretext of complaint. When their old government, rather by the error of others than its own, engaged in the Anti-Jacobine war, the people were in favour of the French; as a people they made no resistance to Pichegru when he entered their country, and they assented patiently, if not cheerfully, to a revolution, which deprived the house of Orange of its hereditary power. They had declared war against England, in obedience to their new ally; their government had been changed, in obsequious imitation of every change in France; they had lost their colonies and their commerce; they had been drained by repeated contributions; their soldiers were fighting the battles of Buonaparte, and nothing was left them but the bare name of independence; yet the name was dear to a people whose forefathers had won their independence by so long and arduous a contest. They had been fortunate in the king whom it had pleased the tyrant to set over them. Louis Buonaparte was a gentle and well-meaning man, who though he had not strength of mind, like Lucien, to follow the dictates of his own better heart in defiance of Napoleon, was yet far from submitting to become, like the wretched intruder in Spain, the despicable but guilty instrument of his atrocious policy. He had done what, considering the circumstances under which he had been forced upon the Dutch, it seemed almost impossible that he should do,—he had won their affections; not by any good which he was enabled to render them,—the tyrant did not leave him power enough for that,—but by the interest which he took in the sufferings of the people, and the manner in which he attempted, however unavailingly, to prevent or soften those measures of his remorseless brother which tended to increase the distress of a ruined country.

The conduct of Louis provoked Buonaparte, who seems also to have

hated the Dutch more than any other people who have fallen under his power, because he knew their old inclinations and commercial habits attached them to the English. Menaces had long been thrown out that he was determined to incorporate their country with the French empire, and when Louis went to Paris to witness his brother's divorce, it was feared that he would not be suffered to return. The hopes and fears of the Dutch continued to
Jan. 24. fluctuate till the latter end of January, when M. Champagny made known to their minister for foreign affairs the resolution which, he said, his imperial majesty had been forced to come to, in consequence of the actual situation of Europe. "If these determinations," he continued, "are contrary to the views of the people of Holland, the emperor is certainly sorry for it, and has adopted this course with great regret. But the unrelenting Destiny which presides over the affairs of this world, and which chuses that men should be governed by events, obliges his majesty to follow up with firmness those measures of which the necessity has been demonstrated to him, without suffering himself to be turned aside by secondary considerations." M. Champagny then proceeded to say, "that before the orders in council of November 1807, there was but little inconvenience to what he was pleased to call the common cause, in the commerce kept up by Holland with England; Marseilles, Bourdeaux and Antwerp enjoyed the same advantage, either through the agency of neutrals, or by borrowing their flag; and the neutrals thus formed a sort of league between the powers whom the sea separated. But when the emperor was forced to use reprisals against the English system of blockade, by decreeing the blockade of the British isles, neutrals, and especially the Americans, demanded an explanation of this measure. He answered them, that although the absurd system of blockade was a state altogether of intolerable usurpation, he bounded himself to stopping the commerce of the English on the continent, the decree being only to be executed upon land. But this measure, as it necessarily shut the ports of Holland against English commerce, injured the mercantile interests of the Dutch and was repugnant to their ancient habits; and this was the first cause of the opposition which began to prevail between France and Holland. From that time," said M. Champagny, "his imperial majesty could not but observe that the King of Holland was divided between his most imprescriptible duties,—his duties to the imperial throne, and the mercantile interests of the Dutch nation. Nevertheless, his imperial majesty armed himself with patience, and shut his eyes, expecting some incident in the turn of events which would deliver his brother from the very unpleasant alternative to which he found himself reduced."

This manifesto proceeded to state, that after the peace of Tilsit England declared herself sovereign of the ocean, and thought proper to extend the jurisdiction of the English parliament over the whole globe, allowing neutrals no liberty of trade, unless with a direct profit to herself, and thus fixing the foundation of her revenue upon the industry of other nations,—a plan which was nothing less than a public assertion of universal sovereignty. The emperor then found himself under the necessity of taking an extreme part, and of employing every means of opposition in his power,

rather than suffer the world to bend under the yoke which the English endeavoured to impose upon it. He therefore published the Milan decree. America renounced all navigation and commerce; thus making a sacrifice of the interest of the moment to that which is her perpetual interest, the preservation of her independence. But Holland, upon whom the success of these measures depended more than upon any other country, was an obstacle to their execution, and continued to carry on a commercial intercourse with the common enemy of the continent. All the representations of France upon this subject were useless, and his imperial majesty was obliged to show his displeasure by rigorous measures. Twice he shut the French custom-houses to the commerce of Holland; they were shut at this moment, so that the Dutch had no legal communication with the nations of the continent, and the emperor was determined not to open these barriers while circumstances remained unchanged; for in fact it would be to open them to England. The Dutch nation, said Champagny, far from imitating the patriotism of the Americans, have been guided in all their transactions solely by miserable mercantile considerations.

It has fallen to the lot of few statesmen to be employed in such nefarious projects as M. Champagny, and it must be admitted that profligate ambition could never have found a fitter mouth-piece. With an effrontery of which former ages afford no precedent, this minister asserts the most direct and palpable falsehoods, avows the most unqualified and iniquitous principles of usurpation, and, while he insults the common feeling and common sense of mankind, blasphemes Providence, by representing the tyrannical acts of Buonaparte as "the will of that unrelenting Destiny which presides over the affairs of the world!" The remainder of his communication to the Dutch minister formed a fit sequel to this preamble. "The emperor," said he, "observes that Holland is destitute of the means for carrying on war, and almost without resources for her own defence. She is without a marine; the sixteen vessels which she ought to have furnished have been dismantled. She is without energy; during the last expedition of the English, the important position of Veere, which was neither provisioned nor armed, made no resistance; and the important post of Batz, upon which might have depended the success of so many events, was abandoned six hours after the appearance of the advanced guard of the enemy. Without an army, without revenues, it might also be said, without friends and without allies, the Dutch are a society animated only by a regard to their commercial interests, and forming a rich, useful, and respectable company, but not a nation." It was a new feature of tyranny thus to behold a tyrant insult the wretched people whom he had ruined. "If therefore," he said, "England should continue to maintain her orders of council, the present situation of Holland would in that case be incompatible with the system of the continent; and his imperial majesty proposed, first, to recal home the prince of his blood whom he had placed on the throne of Holland; for the first duty of a French prince, placed in the line of hereditary succession to the imperial throne, is towards that throne: when in opposition to that, all others must give way. The first duty of every Frenchman, in whatever situation destiny may

place him, is towards his country. Secondly, to occupy all the mouths of the rivers in Holland, and all its ports by French troops; and thirdly, to employ every means, and without being stopt by any consideration, for making Holland enter into the continental system, and finally wresting its ports and coasts from the administration which had rendered them the principal entrepots of England." Thus did Buonaparte declare that he would seize Holland, unless the English should repeal their orders in council; a measure over which Holland could have no possible controul. It was evident that the tyrant, who made the continuance of their nominal independence depend upon such a condition, was determined to seize the country.

The poor Hollanders called upon God, and upon all Europe, to witness that they had not deserved the heavy charges which were brought against them. "Who," said they, "can be ignorant of the sacrifices made by this country for the common cause? how she has exhausted herself? what she has suffered? To say nothing of the hundred millions of specie which we gave for our ransom; nor to mention the number of French troops years after years clothed, fed, and paid by this little spot of ground; nor of the great number of ships of war sacrificed in the common contest; nor of so many of our best soldiers and sailors, the flower of our youth, fallen into the hands of our enemies; nor of our burdens, not only increased, but almost doubled; let us confine ourselves to the things immediately connected with the cause to which we are accused of having been unfaithful. Upon the Milan decree, did not our king spontaneously shut all his ports, and thereby set an example to the Americans? Did not the list of seizures made since the first of April last, and amounting to 141 vessels and 88 boats and waggons, afford an incontrovertible proof of the purity of his intentions? Have we not seen our king refuse entrance to Dutch ships, laden under a neutral flag with Dutch property, and force them, while his heart bled at the act, to put to sea in the midst of the worst season of the year, and in stormy weather? Has not our very inland conveyance been subjected to new and unheard-of regulations? That contraband traffic has been carried on, cannot be denied; but has it not been carried on everywhere? can it, under any circumstances, be entirely prevented? and, more particularly, is it possible to prevent it along so extensive a line of coast? And it must also be remembered, that smugglers often support this traffic by violence, and that applications for a military force to oppose them have in many instances not been attended to, because so many of our troops are employed for the common cause in Germany and Spain. The more, therefore," said they, "we feel hurt at this unmerited imputation, the more may we expect from the justice of the emperor, that, on being better informed, and looking to his own interest and that of France, he will cause justice to be done to our king, and not expose himself, in the eyes of Europe and posterity, to the accusation of having adopted against a loyal and industrious nation, connected by every possible tie with France and her imperial ruler, measures which would be inconsistent with their independence, and which must terminate in the destruction of their very existence as a people. We flatter ourselves that the great Napoleon, assured of our sincere and zealous

co-operation in the system of the continent, will place his highest glory in supporting and cherishing a people, to whom, by the treaty of Paris in 1806, he, for himself, his heirs and successors, has guaranteed the maintenance of their constitutional laws, their independence, the integrity of their possessions in the two hemispheres, and their political, civil, and religious freedom on the same footing on which it then stood; a people who, from the government of his brother, who more and more attracted the love and esteem of the nation, expected once more to enjoy peace and prosperity, after so many calamities."

These were indeed the groans of the Dutchmen! A specimen of what they were to expect was given them at the same time that the threat was held out, by a decree, in which, under the plea of providing for the security of the northern frontiers of his empire, and placing out of danger the dock-yards and arsenal of Antwerp, Buonaparte ordered an army to be formed called the army of Brabant, and took all the country between the Meuse, the Scheldt, and the ocean, for the territory of that army. This was followed by an order to all the first families of Brabant, to send their sons, from the age of eight to twelve, to the Lyceum at Paris, in order to be educated,—an instance of tyranny unexampled in modern times, the children being manifestly taken from their parents to be held as hostages for their submission.

Louis, who was still endeavouring to intercede for a people whom he sincerely commiserated, addressed a letter to the legislative body a few days after this publication of Champagny's, to diminish, he said, the impression which so unjust and astonishing an accusation must make upon their hearts, as well as upon the heart of every true Hollander. While Holland retained the shadow of independence, the Dutch press was comparatively free, and the letters of poor Louis, which appeared during this short interval, would be damning proofs of the tyranny of Buonaparte, if no other documents existed. They are even the more impressive, from the suppression which personal and brotherly feelings tend to produce, as much as political considerations. "While," said he, "during the four years which have elapsed since the commencement of my reign, the nation, and you in particular who were called to watch over her interests, have borne with so much difficulty and distress, but at the same time with so much resignation, the doubling of the imposts, so considerable an augmentation of the public debt, and armaments so great and so disproportionate to the population and means of the kingdom, we little thought that we should be accused of having violated our engagements, and of not having done enough, at a moment when the state of maritime affairs operated upon us with a greater pressure than upon all other countries collectively, and when, to complete our misfortunes, we are also compelled to sustain a blockade upon the continent. It is the heartfelt consciousness of these considerations which should lead us to the exercise of patience, till the moment when the justice of the emperor my brother shall make reparation for a charge we have so little deserved. I cannot ascertain how long I may yet be prevented from gratifying the first and most anxious of my wishes, that of returning to my capital, and seeing myself in the midst of you at this dif-

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ficult and critical juncture. But, however distant that period may be, be assured that nothing can alter my affection for the nation, and my attachment to her interests, nor lessen you in my esteem and confidence."

Feb. 21. A few weeks afterwards he wrote to the council of state, saying, that though three months had now nearly expired since he left Holland, nothing was yet decided. He had been ill meantime, and it may well be supposed that his state of mind did not accelerate his recovery; having recovered however, he told them he would not suffer a single instant to pass without repeating to them the assurance that all possible exertions should continue to be made for preserving the existence of the kingdom. "We cannot," said he, "conceal from ourselves that this will cost us great and difficult sacrifices; but I shall not hesitate, if there be but a possibility that Holland, after all that can be demanded of it, may be suffered to exist, to submit myself to the generosity of the emperor my brother, in the just expectation that, upon the removal of all the causes of dissatisfaction, we shall receive those indemnifications to which we are so strongly entitled, and which will be more than ever necessary to us. My intention in submitting myself to the pleasure of the emperor my brother, in every thing that he can demand of us, is to convince him that we have many enemies; that we may have been the victims of calumny, of petty passions and interests; but that we have never ceased to admire the emperor, and still will continue to admire him, and to conduct ourselves as true friends and old allies of France, tried by numerous sacrifices and various events. Should I be able to succeed in this purpose, as I have every reason to expect, every thing else will follow, inasmuch as it must be both the interest and inclination of France to favour and aggrandize her friends, and not to depress them. I therefore entreat you to unite all your efforts to prevent emigration to foreign countries, and every proceeding which might indicate despondency, and to exhort the nation to await the determination of the emperor upon our fate, with that firmness which is so peculiarly their character, and which so intimately belongs to the justice of their cause. I am not ignorant of what every individual suffers. I have done every thing to plead our cause in the most effectual manner. Neither the loss of time, nor the failure of my efforts, nor any other consideration, has been able to deter me from my purpose; and, accordingly, I have every reason to believe, that if we can come to any arrangement, which does not exclude the possibility of our existence, Holland may still escape the present impending tempest; particularly if, after all this, there remain not only no grounds, but even no pretext for misunderstanding and dissatisfaction, to which all my efforts are directed."

It cannot be supposed, that when Buonaparte made his brother King of Holland, he could be so ignorant of his character as to suppose he would be, like Joseph or Jerome, his mere tool, the unreflecting and obedient instrument of his capricious and tyrannical humour. It would have been as easy for him to have annexed Holland to his empire then as now; the people were equally subdued, equally helpless, and his own overwhelming force was comparatively greater; for Spain, which was now the grave of his armies, was

then among the most submissive and most useful of his dependent allies. Emperor of France himself, one brother upon the throne of Naples, which he had fairly conquered, and where the change of dynasty could not possibly be for the worse, and the other placed over the Dutch, if not by their choice, certainly with their assent, it seems probable that at the time he designed these arrangements to be permanent. The crimes which he had then committed, he might have concealed, even from himself, under the cloak of policy, representing them as necessary acts for the security of his own person, and the establishment of his family. But since that period he had become drunk with power; having failed in Spain to effect the greatest of all his ambitious projects by fraud, he had determined to carry it through by the most remorseless and bloody means:—the principles which he from that time avowed were as atrocious as the system which he carried on; and for the sake of obtaining universal empire, he seems to have set God and man equally at defiance, and to have devoted himself to the execration of mankind, as long as his name shall be held in remembrance. From that time he seems to have cast off the last lingerings of human feeling, and those who had been nearest and dearest to him were now to be sacrificed without compunction, if they stood in the way of his wild projects. His divorce was the first instance of this alteration; the same cause for it existed when he had taken the imperial crown from the hands of the pope and placed it himself upon the head of Josephine; but he remembered at that time how greatly his first advancement had been owing to his marriage, and perhaps he felt for the good qualities, and unoffending disposition of his wife, as much affection as was compatible with his nature. Louis was the next victim; and here there was neither cause nor pretext for humiliating the brother whom he had raised; nor was there, as in the case of Josephine, an acquiescence in the emperor's pleasure, which may possibly on her part have been perfectly sincere. Louis submitted indeed to what he could not resist; but it was not without long and earnest struggles, private representations and entreaties, and public protestations, which the tyrant must have felt as more cutting than the keenest invective of his enemies. This poor prince, who had been placed upon a throne which did not belong to him, by no crime of his own, was compelled to revoke the few acts of royal authority which he had exercised, to unmake his nobility, and reduce all his marshals to their former rank of admirals or generals. These appointments, he pleaded, had been productive of various inconveniences; they ill corresponded with the present situation of Holland, and did not harmonize with the institutions of the other states in alliance with France; but, above all, he was anxious to avoid whatever might be inconsistent with the views of his illustrious brother, the emperor and king.

At length a treaty (if that name may be applied to an agreement between two parties, the one of whom is entirely in the power of the other) was concluded between the two brothers, they being, according to the preamble, desirous of terminating the differences that had arisen between them, and of making the independence of Holland harmonize with the new circumstances wherein the Eng- *March* 16.

lish orders in council had placed all the maritime powers. It provided, that until those orders should be solemnly abrogated, all commerce whatever should be prohibited between the ports of Holland and England; and should there be reasons for granting licenses, those only were to be valid which were delivered in the name of the emperor; that is, they were to be granted by the French and not the Dutch government. To see that this part of the agreement was carried into complete effect, officers of the French customs were to be placed at the mouths of all the rivers, with a corps of 18,000 men, of whom 6000 should be French, and all be paid, fed, and clothed by the Dutch government. Zealand, Dutch Brabant, the territory between the Meuse and Waal, including Nimeguen, together with the Bommelwaard and the territory of Altona, were to be ceded to France, inasmuch as it had been adopted as a constitutional principle in France that the *Thalweg* of the Rhine formed the boundary of the French empire, and as the dock-yards of Antwerp were left unprotected and exposed by the former state of the boundaries. All American ships and merchandize which had arrived since the first of February 1809, should be put under sequestration and made over to France, in order to her disposing thereof according to circumstances, and the state of her political relations with the United States. To co-operate with the force of the French empire, Holland should have afloat a squadron of nine sail of the line and six frigates, armed and provided with six months stores, and ready to put to sea by the first of June ensuing, and also a flotilla of an hundred gunboats or other armed vessels. This force should be maintained and kept in readiness during the war. All merchandize of English manufacture was prohibited in Holland; the Dutch government pledged itself to extirpate the contraband trade; and Buonaparte, fully confiding in the manner in which these engagements would be executed, guaranteed the integrity of the Dutch possessions, such as they were pursuant to this treaty.

The ratifications of this treaty were exchanged on the 31st of March, and on the same day Louis, by a formal decree, released from their oath of allegiance to him the inhabitants of those countries which he had been compelled to cede, and of which, in fact, Buonaparte had taken possession before he thought proper to give himself even this pretext of a claim. Louis was now at liberty to return to Holland, where, in reply to the addresses of his council of state and the legislative body, he expressed his pleasure at seeing himself once more in the midst of his people, notwithstanding, he said, the embarrassed circumstances of the state; he relied upon their co-operation in re-establishing the public affairs, and told them that all grounds of complaint on the part of France being removed, he expected every support from his august brother the emperor, provided no fresh subjects of dissatisfaction were given. When Louis expressed himself thus, he thought himself entitled to rely upon the explanations and communications which had been made to him respecting the treaty; by which, in reply to his formal and express declaration, he had been assured that the custom-house officers should interfere only in matters relative to the blockade; that the French troops should be stationed only on the coasts; that the domains of the creditors of the state and of the crown

should be respected; that the debts of the ceded territories should be charged upon France; that from the number of troops a deduction should be made for those actually at the disposal of France in Spain; and that the necessary time should be given for the maritime armament. These things were promised him; they were not indeed inserted in the treaty, because that was dictated by Buonaparte himself; but this was of no importance; the word of Buonaparte, in whatever manner it may be pledged, is equally worthless, and it soon appeared that this treaty was to be observed like all his former ones with the defenceless Hollanders.

Oudinot, who had the command of the French army which, under pretence of carrying on the war against British commerce, was de-
May 13. signed for the final subjugation of Holland, gave orders to occupy with a second line of troops the most important points which were suspected to be used as entrepots for contraband goods;—the promise that French troops should be stationed only on the coasts was thus at once broken. He gave orders also, that the commanding officers should establish a system of the most active vigilance, and inform themselves, as they easily could, he said, who the inhabitants were that were reputed smugglers, in order that every person guilty of introducing British merchandize and prohibited goods, or of holding any communication, directly or indirectly, with the English, might be immediately arrested, and tried by a commission to be appointed for that purpose. These orders the French marshal issued by his own authority, without the slightest respect to Louis or the Dutch government, or even any mention of them, as if Holland had neither a government nor a king of its own. Unable as Louis was to resist this usurpation by any other means than ineffectual remonstrance, he refused the French custom-house officers admission into Muyden, Naarden, and Diemer, because the treaty, he said, only authorized them to be stationed on the coast and at the mouths of the rivers; and he informed Oudinot and the French charge d'affaires, that if the capital and its district were occupied, he should consider such a proceeding as a manifest violation of the law of nations, and of those rights which are deemed most sacred among men.

The disposition of the people was shown at Rotterdam. One evening when the French *May* 23. garrison in that city were paraded in the great market-place, the boys began to hoot at them; the populace, indignant at seeing these foreign soldiers stationed over them for the express purpose of rooting out the last remains of that trade upon which every Dutchman knew that the prosperity of his country depended, joined in the outcry, and a tumult ensued, to what extent is not known, but it is said that many volleys were fired upon the people. A proclamation was issued by the burgomaster the following day, which seems to indicate that an insurrection had been intended. "A very great multitude," it said, "had been assembled, much more numerous than usual, who had first impeded the soldiers when exercising by their violent pressure, then insulted, pelted, and injured them, and followed them to the barracks." A reward was offered for discovering the instigator of these outrages, or any person concerned in them, "the burgomaster being anxious," he

said, "that peace and tranquillity, which ought under all circumstances to be kept within the city, should be maintained; that those who showed a disposition to interrupt the same should be punished; and that the city might thus be secured from those inconveniences, disorders, and injurious consequences, to which it might otherwise be exposed. Any person, therefore, who should offer any insult to the French soldiers or custom-house officers, not merely by word or deed, but by look, deportment, or gesture, or who should use reproachful language against them, or any expressions tending to a breach of the peace, should be punished according to the laws of the empire and the state of the case, even to the extent of capital punishment." They were threatened with the laws of the empire,—not of Holland. Holland, indeed, had now almost ceased to be a name. At Amsterdam, a livery servant of the French minister received some insult from the people, and so fearful were the Dutch government that this should be magnified into a state offence, and serve as a pretext for annexing the country to France, that they noticed it in the most serious manner; and the minister of justice and police was expressly commanded to make known the king's highest displeasure and indignation at the offence!

Louis might have spared himself this act of unavailing humiliation. Instead of 6000 French troops, according to the treaty, 20,000 were assembling in Utrecht and its environs; but he was assured by the French minister that it was by no means the emperor's intention to occupy Amsterdam. On the 16th of June he received this direct assurance from Buonaparte's charge d'affaires; on the 29th, official communication was made to him that the emperor insisted upon establishing the head-quarters of the French army in that capital. Louis, who had submitted to so many wrongs and cruel outrages, did not wait for the last indignity which his remorseless brother would now so soon have inflicted; rather than be deposed, or compelled to sign a form of abdication of that brother's dictating, he determined, while he was yet master of his own words, to avow to Holland and to all Europe what the real causes were which drove him from the throne. "Considering," said he, "that the unfortunate state in which this country now is arises from the displeasure which the emperor my brother has conceived against me; considering that all endeavours and sacrifices on my part to support this state of things, have been fruitless; considering, lastly, that it cannot be doubted that the cause of the present state of things is to be attributed to my having been unfortunate enough to displease my brother and to have lost his friendship, and that I therefore am the only obstacle to the termination of these incessant differences and misunderstandings; by these letters, published by our own free will, we do from this moment resign the royal dignity of this kingdom of Holland in favour of our well-beloved son Napoleon Louis, and in failure of him, in favour of his brother Charles Louis Napoleon." As a last act of authority, he committed the custody of the minor king to his ministers and provisional council of regency, till the queen should arrive, in whom, according to the constitution under the guarantee of Buonaparte, the regency was then to vest. This act was accompanied by a short address to the peo- *July* 1.

ple, telling them that he had thus resigned his rank, being convinced that he could effect nothing more for their welfare, but considering himself, on the contrary, as an obstacle which might prevent the good-will and intentions of his brother towards them. "Hollanders," he continued, "never shall I forget so good and virtuous a people. My last thought, as well as my last sighs, shall be for your happiness. On leaving you, I cannot sufficiently recommend you to receive well the military and civil officers of France. This is the only means to gratify his majesty the emperor, on whom your fate, that of your children, and that of your whole country, depends. And now, as ill-will and calumny can no longer reach me, at least so far as relates to you, I have a well-founded hope, that you will at length find the reward for all your sacrifices, and for all your magnanimous firmness."

The same gazette, in which this extraordinary act of abdication appeared, contained an official *July* 3. notice from the minister of foreign affairs, Van Der Capellen, that the French would enter Amsterdam on the following day. It was declared to be Louis's express will and desire, that the troops of his illustrious brother might be welcomed in a suitable manner; that all persons would concur in receiving them with friendship and esteem, and treat them as was due to friends and allies, and especially to the troops of the Emperor Napoleon. Their discipline, it was said, was a guarantee to the inhabitants for the safety of their persons and property; every one must be sensible of how much importance it was to fulfil, in this respect, the utmost wishes of his majesty; and he therefore confided, that the people of Amsterdam would zealously co-operate in that which was of such imperative importance to their city and to the whole kingdom, and avoid the destructive consequences which must ensue, should they, contrary to all expectation, be guilty of an opposite conduct. This aweful warning sufficiently shows the opinion which the government entertained of the popular feeling, and that they were not without apprehensions of a massacre like that of Madrid.

Oudinot entered Amsterdam in time to prevent the publication of a letter from Louis to the Legislative Body, containing a full and explicit account of the motives of his conduct. This most important paper, however, found its way to England, and in a manner which left no doubt of its authenticity. He began by saying, that his ministers were charged to present to them the resolution to which he had seen himself driven by the military occupation of his capital; that he had hoped a treaty, the conditions of which had been imposed by the emperor himself, would have been observed; that he had been assured, on the 16th, by the French charge d'affaires, that the emperor did not intend to occupy Amsterdam, and in less than a fortnight, was officially informed that it was to be made the head-quarters of the French army. Thus had he been deceived. It could not be doubted that he would have resigned himself to suffer new humiliations for his people, if he could have hoped to prevent calamities; but when an entire army, a crowd of custom-house officers, and the national army itself were placed out of the power of the government,—when every thing was under the orders of a foreign officer, he could no longer de-

ceive himself; and if the absolute devotion which he had manifested had served only to drag on the existence of the country for three months, he had the cruel and painful satisfaction, but the only one he could now have, that he had performed his duty to the last, and that, if he might be permitted so to express himself, he had carried his sacrifices for the existence, and what he conceived to be the welfare of the country, to an unjustifiable extent.

"But," said he, "after these sacrifices, I should be extremely culpable if I could rest satisfied with the title of king, being no longer but an instrument; and no longer commanding, not only in the country, but even in my capital; and soon, perhaps, not even in my own palace. I should, nevertheless, be witness to every thing that should be done, without the power of doing any thing for my people; responsible for all events, without being able to prevent, or to influence them. I should have exposed myself to the complaints of both sides, and perhaps have occasioned great misfortunes; by doing which, I should have betrayed my conscience, my people, and my duty. I have for a long time foreseen the extremity to which I am now reduced, but I could not have prevented it without sacrificing my most sacred duties, without ceasing to have at heart the interest of my people, and without ceasing to connect my fate with that of the country. This I could not do! Now that Holland is reduced to this condition, I have, as King of Holland, but one course to take, and that is, to abdicate the throne in favour of my children. Any other course would have only augmented the misfortunes of my reign. I should have, with deep regret, discharged that tender duty; and I should, perhaps, have seen the peaceful inhabitants, too often the victims of the quarrels of governments, ruined at one blow. How could the idea of any sort of resistance have entered my mind! My children, born Frenchmen like myself, would have seen the blood of their fellow-countrymen shed in a just cause, but one which might nevertheless be supposed to be exclusively mine. I had therefore but one course to adopt.—My brother, so violently irritated against me, is not so against my children; and doubtless he will not destroy what he has done, and deprive them of their inheritance; since he has not, nor can have, any subject of complaint against this child, who will not, for a long time to come, reign himself. His mother, to whom the regency appertains by the constitution, will do every thing that shall be agreeable to the emperor my brother, and will succeed better than myself, who have had the misfortune never to be successful in my endeavours of that kind; and at the conclusion of a maritime peace,—perhaps before,—my brother, knowing the state of things in this country, the esteem its inhabitants merit, how much their welfare accords with the interests well understood of his empire, will do for this country all it has a right to expect, as the reward of its numerous sacrifices to France, of its fidelity, and the interest with which it cannot fail to inspire those who judge of it without prejudice. Perhaps I am the only obstacle to the reconciliation of this country with France; and should that be so, I might find some kind of consolation in dragging out the remainder of a wandering and a languishing life at a distance from the first objects of my whole affection—this good people, and my son. These

are my principal motives; there are others equally powerful, with respect to which I must be silent, but they will easily be divined.—The emperor my brother must feel that I could not act otherwise. Though strongly prejudiced against me, he is great, and, when his irritation subsides, cannot but be just.—As to you, gentlemen, I should be much more unhappy even than I am, if possible, could I imagine that you would not do justice to my intentions. May the end of my career prove to the nation and to you that I have never deceived you; that I have had but one aim—the true interest of the country; that the faults I may have committed are solely to be ascribed to my zeal, which led me to aim at not what was absolutely the greatest good, but the best that could be attained under all the difficulties of existing circumstances. I had never calculated upon governing a nation so interesting, but so difficult to govern, as yours. Be pleased, gentlemen, to be my advocates with the nation, and cherish a confident attachment to the Prince Royal, who will deserve it, if I may judge from his good disposition. The queen has the same interests as myself. I cannot, gentlemen, conclude, without recommending to you, in the most earnest manner, and in the name of the interest and of the existence of so many families, whose lives and property would be infallibly compromised, to receive the French with the attention, with the kindness and the cordiality which is due to the brave troops of the first nation in the world; to your friends, to your allies, who consider obedience as the first of duties, but who cannot fail to esteem the more, the more they become acquainted with it, a nation, brave, industrious, and worthy of esteem, under every consideration. In whatever place I may terminate my existence, the name of Holland, and the most lively prayers for its happiness, will be my last words, and occupy my last thoughts."

This letter, as well as the act of abdication, was dated from Haarlem on the first of July. That evening he had appointed a select party of friends to meet him there at his palace; the company broke up between eleven and twelve, after which he left the palace by a private door; a plain carriage was waiting for him in the adjacent wood, and he drove off. The French entered Amsterdam on the 4th; and the Royal Courier, instead of containing his affecting address, which the government not improbably delayed from fear, was compelled to fill its columns with an account of Oudinot's entrance, the flattery of the constituted authorities towards the agent of the tyrant, and the joy of the people of Amsterdam; the admiration with which they beheld the all-conquering bands of Buonaparte, and the eager affection with which they welcomed them.

Buonaparte had not expected that Louis would have the courage thus to appeal to the opinion of the world against him. The act by which he abdicated the crown in favour of his son, ought not to have appeared, M. Champagny said, without a previous concert with the emperor,—it could have no force without his approbation; and this worthy minister of a perfidious tyrant then began to discuss the question, whether the arrangement made by the King of Holland ought to be confirmed. "The union of Belgium with France," he said, "had destroyed the independence of Holland; her system had necessarily become the same as that of

France, and she was obliged to take part in all the maritime wars of France, as if she were one of her provinces. This was not all; since the arsenal of the Scheldt had been formed, and the mouths of the Rhine and of the Scheldt had been annexed to France, the part of Holland which was still alien to the empire was deprived of the advantages enjoyed by the part united to it. Rotterdam and Dordrecht were thus already on the brink of ruin; and Holland, being compelled to make common cause with France, had to support the charges of the alliance, without reaping any of its benefits. Her public debt amounted to between 85 and 90 millions, a fourth more than the debt of the whole empire; the people groaned under the weight of three-and-twenty distinct descriptions of contributions; the Dutch nation was sinking under the burden, and could no longer support it, nevertheless the necessary expences of the government required that it should be augmented. The budget for the marine in the last year scarcely sufficed for the pay of the men and the expence of the arsenals, and did not admit of the equipment of a single ship of war; triple that sum would be requisite to provide for the armament which had been stipulated for in the late treaty,—an armament which was the minimum of the naval force requisite for the defence of Holland. The war budget scarcely maintained the fortresses and sixteen battalions, and the interest of the public debt was more than eighteen months in arrear.

"If," said Champagny, "in such a state of things, your majesty maintain the recent dispositions, by assigning to Holland a provisional government, you will only be prolonging her painful agony. If the government of a prince in the vigour of life has left the country in so distressed a situation, what can be expected from a long minority? It cannot, therefore, be saved but by a new order of things. The period of the power and prosperity of Holland was, when it formed part of the greatest monarchy then in Europe. Her incorporation with the great empire is the only stable condition in which Holland can henceforth repose from her sufferings and long vicissitudes, and recover her ancient prosperity. Thus ought your majesty to decide in favour of such an union, for the interest, nay more, for the salvation of Holland. She ought to be associated in our blessings, as she has been associated in our calamities. But another interest still more imperiously indicates to your majesty the conduct which you ought to adopt. Holland is, in fact, a shoot from the French territory; it constitutes a portion of soil necessary to complete the form of the empire. To become full master of the Rhine, your majesty should advance to the Zuyder Sea. By this means all the rivers which have their source in France, or which wash the frontiers, will belong to you as far as the sea. To leave the mouths of your rivers in the possession of strangers, would, in fact, sire, confine your power to an ill-limited monarchy, instead of erecting an imperial throne. To leave in the power of foreigners the mouths of the Rhine, the Meuse, and the Scheldt, would be tantamount to submitting your laws to them; it would render your manufactures and commerce dependent on the powers who should be in possession of those mouths; it would admit a foreign influence in that which is most important to the happiness of your subjects. The an-

nexation of Holland is still necessary to complete the system of the empire."

M. Champagny then affirmed, that this was particularly necessary, because of the British orders in council; that the emperor had twice been obliged to close his custom houses to the trade of Holland since those orders were issued, in consequence of which Holland was insulated from the empire and the continent; and that, after the peace of Vienna, it was in his contemplation to annex the country to France. "You were induced," pursued the minister, "to abandon this idea from considerations that no longer exist. You agreed with reluctance to the treaty of the 14th March, which aggravated the calamities of Holland, without meeting any one view of your majesty. The obstacle which prevented it has now disappeared of itself. Your majesty owes it to your empire to take advantage of a circumstance which so naturally leads to the union. There can be none more favourable for the execution of your project.—Your majesty has established at Antwerp a powerful arsenal. The astonished Scheldt swells with pride to behold 20 vessels of the first rate bearing your majesty's flag, and protecting its shores that were formerly scarcely visited by trading vessels. But the great designs of your majesty, in this respect, cannot be fully accomplished except by the union of Holland. It is necessary to complete so astonishing a creation. Under your majesty's energetic government, the ensuing year will not terminate before, by calling into action the maritime resources of Holland, a fleet of 40 sail of the line, and a great number of troops shall be assembled in the Scheldt and Texel, to dispute with the British government the sovereignty of the sea, and repel its unjust claims.—So that it is not the interest of France alone that calls for this union; it is that of continental Europe, who applies to France to repair the losses of her marine, and combat, on her own element, the enemy of the prosperity of Europe; whose industry it has not been able to stifle, but whose communications it obstructs by its insolent claims, and the vast number of its ships of war. Finally, the union of Holland augments the empire, in rendering more close the frontiers she defends, and in adding to the security of its arsenals and docks. It enriches it by an industrious, thrifty, and laborious people, who will add to the stock of public wealth, in increasing their private fortunes. There are no people more estimable, or better adapted to derive benefit from the advantages which the liberal policy of your government affords to industry. France could not have made a more valuable acquisition.—The annexation of Holland to France is the necessary consequence of the union of Belgium. It completes your majesty's empire, as well as the execution of your system of war, politics, and trade. It is the first, but a necessary step towards the restoration of your navy; in fact, it is the heaviest blow which your majesty could inflict upon England.—As to the young prince, who is so dear to your majesty, he has already felt the effects of your good will. You have bestowed on him the grand duchy of Berg. He has therefore no occasion for any new establishment."

This report was the preface to a decree, declaring that Holland was united to France, and Amsterdam the third *July* 9.

city of the empire. From the first of January ensuing, the country was to be eased of its present contributions, and the imposts placed on the same footing as in the rest of the empire, and at the same time the line of custom houses should be removed, and the communication of Holland with the empire become free. One third of the present amount of interest upon the public debt was to be carried to the account of expenditure for the current year, and the unpaid interest of the last year's half reduced to one third in like manner. The colonial produce actually in the country might remain in the hands of the owners, upon payment of a duty of 50 per cent. *ad valorem*.

The conduct of Buonaparte towards Spain and Portugal has been so atrocious, that his other acts, equally tyrannical in themselves, but attended by consequences of less immediate horror, excite no wonder, and scarcely any indignation. Yet the mockery, the insolence, and the cruel injustice which accompanied the usurpation of Holland, rendered it peculiarly detestable. Even M. Champagny himself, infamous as he is beyond all former statesmen, never produced any thing more false and frivolous, and at the same time more monstrous, for undisguised and unpalliated iniquity, than his report upon the state of Holland. Because France had already usurped a part of her territory, therefore it was necessary that she should now usurp the whole; because France had robbed the country of its prosperity, therefore she must rob it of its independence. This is the literal tenour of his reasoning. Nor was it possible to convey a more cutting insult to the Hollanders, than to tell them that the age of the power and prosperity of Holland was, when it formed a part of the greatest monarchy in Europe. What was this but to brand the memory of those heroes and martyrs, by whose sufferings and struggles Holland had so gloriously purchased her independence, and attained that power and opulence, and civil and religious freedom, which made the Dutch for so long a time the most industrious, the most orderly, and the most prosperous people in Europe? Thus to brand the dead, was to taunt the living because they wanted courage to follow the example of their noble ancestors.

And what were the blessings which Holland was to derive from its annexation to France? Because its own burdens were so oppressive, its imposts were to be placed upon the same footing as those of France,—of France, where fiscal tyranny is carried to the utmost possible point of inquisitorial exaction! Because the present revenue could not suffice for equipping a single ship of war, the country was to be united to France, and then, in the course of the ensuing year, a fleet of forty sail was to be ready to dispute with Great Britain the sovereignty of the seas, not at the cost of France, but "by calling forth the maritime resources of Holland." The relief which was promised was, that Holland should now be admitted to trade freely with France, as a compensation for the destruction of her trade with all the rest of the world; and the mode of lightening the public burdens was, by robbing the public creditor of two thirds of his due, a process which the French called consolidating * the debt. Of all the grievances which accompanied the

* In this manner, the English papers observed, a seven-shilling piece might be called a consolidated guinea.

usurpation, this produced the greatest dissatisfaction and the greatest misery, because it reduced to poverty and want so many widows and orphans.

The provisional government, in obedience to these orders, *July* 14. notified to the Dutch people, that Buonaparte, having taken into consideration the state of Europe, the geographical position of Holland, and the pretensions of the common enemy, had resolved to unite their country to the French empire, being compelled to put an end to the intermediate governments which, for sixteen years, had harassed that part of the empire. They informed them also, in Buonaparte's name, "that they should be the objects of his care; that he would rejoice as much in their prosperity as in that of his good city of Paris; and that the spacious field from Rome to Amsterdam was now laid open to their industry. This might encourage them to look on to the extension of their commerce in those regions where their ancestors had carried to so high a pitch the glory of the Dutch name." While the Dutch were insulted with these fallacious promises, and more fallacious hopes, their fisheries, the last resource which remained for the poor, were subjected to a code of regulations, which, for their ignorance and brutality, were perfectly consistent with all the other measures of France towards Holland. The edict began by acknow- *July* 21. ledging, that the fishery constituted the only means of subsistence of the inhabitants of the coast, and that it could not be prohibited without injuring the most indigent class of the people; but then, Marshal Oudinot observed, it was essential, in authorising its continuance, that measures should be taken to prevent fraud, and obstruct any communication with the enemy. He ordained, therefore, that every fishing vessel must be provided with a permit from the military commandant of the district, specifying the name, number, and form of the vessel; the names, descriptions, and places of residence of the crew, and the name of the owner; and that every time a fishing boat left the shore, it should be visited by the custom-house officer, and the permit examined either by the commandant of the guard-ship in the road or port, or of the nearest military post; on her return she should be visited in like manner; and no fishing boat should in any case put to sea before the morning gun, nor return after the evening gun, without having previously obtained permission. Marshal Oudinot, however, recollected that the winds and tides were not so absolutely under his controul as the poor Dutchmen, and therefore condescended to modify this article, by declaring that, if circumstances should compel them to land after the evening gun, they should immediately inform the nearest commandant thereof. In case also of their having been obliged to hold communication with the enemy, they were immediately to inform the same. They were not to remain at sea more than eight-and-forty hours, and to take with them only such articles and provisions as were necessary for their use during the time they might be supposed to be out; every thing else which might be found on board, either at their departure or return, should be confiscated. Every fishing vessel not having on board at her return the crew specified in her permit, should be confiscated, and a French soldier should be put on board every boat which was suspected of smuggling or communicating with the

enemy; and in case of the capture of any of these soldiers, the fishery should be instantly prohibited and a general embargo laid on all the vessels employed, and the village in which the offending fishermen resided exemplarily punished.—Such were the stupid and tyrannical regulations which the Dutch minister of marine and colonies, Van Der Heim, was ordered to publish by Oudinot, "for the benefit of all those whom it concerned."

Every soldier quartered upon the Dutch was authorized to demand of the person on whom he was billeted, as his daily allowance, 24 ounces of bread, 8 ounces of meat, and 2 ounces of greens; a gill of geneva, and a pot of beer. When they entered Amsterdam many houses were shut up, the owners being in the country or travelling; these houses were broken open, and furniture sold to defray the soldiers' maintenance. The Dutch troops in the country were marched into France, that they might be disposed of in Spain,—the grave of all who went there. The duty of 50 per cent. upon colonial produce was ordered to be paid within the first fifteen days of September; payment might be made in three bonds, at three, six, and nine months date; but those who were willing to pay the whole in advance, should be entitled to an abatement of one half per cent. per month. It was calculated that this would produce at least six millions of francs; but so little had been smuggled into the country, in consequence of what is called by the tyrant the continental system, or so much had been smuggled out in spite of it, that scarcely a fifth part of the expected sum was raised. For the sake of a temporary relief to the finances, Buonaparte issued twenty-four millions in *syndicats*, or bills of the syndicat of Holland. These *assignats* were in notes of 500 francs each, and were to be received in payment of the taxes, for the royal domains which were to be sold, and for the redemption of domain tithes. But the syndicats were ordered to accelerate the payment of all contributions in arrear to the first of January last, by which device the usurping government got the money of the people, and then issued paper in payment of its own debts. The public creditor therefore, having been robbed of two thirds of his income, was to be paid the remaining third in assignats. This act of national bankruptcy brought with it not even a temporary diminution of burdens to the people,—it was a fraud, of which the wickedness and the profit belonged wholly to the new government; the public creditor, reduced directly to one third of his former income, and indirectly still lower, had to pay the same oppressive taxes, and even to bear new burdens, for the maintenance of a French army, and for calling out the maritime resources of Holland. Fresh bankruptcies were announced day after day; the ruin of the rich brought after it, in necessary consequence, the distress of the lower ranks; in the course of a few weeks above 2000 servants were discharged in Amsterdam and the other commercial towns, and in the course of six months the number of paupers increased tenfold.

Sept. 23.

In the midst of this general distress, the wretched government of Holland sent deputies to Buonaparte, to present themselves, in their own phrase, at the feet of his throne, and express the sentiments of admiration, gratitude, and obedience, with which they were animated. "Sire," said they, "the Dutch people, known in the annals of history by the exploits

Aug. 15.

of their heroes, by the spotless character of their statesmen, and the exertions made by them to obtain and maintain their independence, are still possessed of a strong recollection of the virtues of their forefathers. The great events which Europe has witnessed, in the course of the present century, have completely changed the political supports and relations of states; and the independence, for the attainment of which our ancestors sacrificed their property, their blood, and all that is most dear to men, from the pressure of circumstances, could not but undergo certain restrictions. At length, united with the first nation in the world, called by the greatest prince in the universe to share in the favour which his exalted genius and paternal solicitude liberally bestows on his happy subjects, and of which Holland has already obtained so many proofs, the Dutch continue to flatter themselves, that, by their loyalty, their obedience, and their inviolable attachment to their prince and father, they shall preserve the protection of a mighty, generous, upright, and benevolent government."

The Corsican replied in one of those characteristic speeches, which mark at once the impious presumption of the man, and his inveterate hatred of England. There is a peculiar value in history, when it preserves for us the genuine language of the great actors in this world's drama. "Gentlemen deputies of the Legislative Body, "said the usurper," of the land and sea forces of Holland, and gentlemen deputies of my good city of Amsterdam, for these thirty years you have experienced many vicissitudes; you lost your liberty when one of the great officers of the republic, forced by England, employed Prussian bayonets to interrupt the deliberations of your councils. It was then that the wise constitution, handed down to you by your forefathers, was destroyed for ever. You formed a part of the coalition, in consequence of which French armies conquered your country, an event which was the unavoidable consequence of the alliance with England. After the conquest, a distinct government was formed, yet your republic formed part of the empire. Your strong fortresses, and the principal positions in your country, were occupied by French troops, and your government was changed according to the opinions which succeeded each other in France. When Providence placed me on this first throne of the world, it fell to my lot to decide for ever the fate of France, and of all the nations which compose this vast empire; to bestow on all the signal advantages which arise from firmness, consistency, and order; and to destroy the baneful consequences of irregularity and weakness. I put a period to the wavering destinies of Italy, by placing the iron crown on my head; I annihilated the government which ruled Piedmont; by my act of mediation I justly appreciated the constitution of Switzerland, and brought the local circumstances of the country in unison with the safety and rights of this imperial crown. I gave you a prince of my blood for your ruler; this was intended as a bond to unite the concerns of your republic with the rights of the empire. My hopes have been deceived, and on this occasion I have shown more forbearance than my character generally admits, and my rights required. I have at length put a period to the painful uncertainty of your future fate, and warded off the fatal blow which threatened

to annihilate all your property, all your resources. I have opened the continent to your national industry; the day shall come when you are to conduct my eagles to the seas, celebrated by the exploits of your ancestors; then shall you show yourselves worthy of yourselves and of me. From this moment till that period, all the changes that take place in Europe shall have for their first motive the destruction of that tyrannical and irrational system which the English government, unmindful of the pernicious consequences which arise therefrom to their own country, have adopted, to outlaw commerce and trade, and subject it to the arbitrary authority of English licenses. Gentlemen deputies of the Legislative Body, and of the land and sea forces of Holland, and gentlemen deputies of my good city of Amsterdam, tell my subjects of Holland, I feel perfectly satisfied they possess the sentiments they profess for me; tell them, that I doubt not their loyal attachment, and depend on their heartily joining their exertions to those of the rest of my subjects to reconquer the rights of the sea, the loss of which five coalitions, incited by England, have inflicted on the continent; tell them, that in all circumstances they may reckon on my peculiar protection."

This was Buonaparte's harangue. To hear him talk of deciding forever the fate of nations, might have made a wise man smile, when he remembered how this tyrant had built up and demolished republics and monarchies, as children build houses of cards, and then push them down, that they may build up new piles in another fashion, equally frail, and of the same tottering and unstable materials. He affected to impute his brother's conduct to derangement. The young Napoleon Louis was sent for to Paris immediately after the abdication. "Come, my son," said Buonaparte when he saw him, "I will be your father; you will lose nothing by that. The conduct of your father wounds me to the heart; his infirmity alone can account for it; when you come to be a man you will pay his debt and your own." The tyrant then inculcated his favourite lesson, the first commandment of his creed, which is paramount to all others. "In whatever situation," said he, "my policy and the interests of my empire may place you, never forget that your first duties are towards me, your second towards France. All your other duties, those even which regard the people whom I confide to you, come only in the next degree."

Louis Buonaparte meantime went to the baths of Toplitz, in Bohemia, hoping there to recruit his broken health; happy to have discharged his conscience, and at the same time relieved himself from a state of dependence, as painful as it was humiliating, but bearing with him a wounded spirit. But Napoleon, who was about to make a tour to the north with Maria Louisa, made known his intention of visiting his good city of Amsterdam; and that city, in the midst of its distress, was compelled to make costly preparations for receiving him. One of the old grievances of the age of feudal barbarism was renewed on this occasion; and bills were affixed to several of the best houses, informing those whom it might concern, that their former occupiers had been obliged to remove, for the purpose of accommodating the emperor's suite. A few resolute spirits attempted to make preparations of a different kind, for receiving him according to his deserts. An address, of the boldest and

noblest character, is said to have been privately circulated, calling upon the Hollanders to remember their ancestors, telling them that their oppressor was about to visit them, and that then he would be in their power, and they might by one stroke deliver themselves and the suffering world. True he had sent a powerful army into the country, but powerful as it was, it would sink before a whole national exertion; and moreover, that army could not be so insensible of all human duties as the tyrant who directed them. They knew how lavish he was of their blood, how many of their fellows he had sent to inevitable destruction in Spain, and how many more were yet to be sacrificed there in his iniquitous projects. "Appeal to that army," said the indignant Hollander. "Remind them of their own efforts in pursuit, as they believed, of liberty; remind them of their lawful king, who is now a fugitive and a dependant upon the generosity of another state; tell them of the eternal disgrace which they will entail upon themselves, if they continue to fight merely for the purpose of gratifying the remorseless ambition of a wretch who is the enemy of human nature. They are men, and may be roused into a sense of what is due to an unoffending and independent nation. Already he trembles on his throne. He knows, by the desertions of his soldiers in Spain, how hateful the cause is in which they are engaged; it is only the generals in whom he can confide, and even they detest him, and would rejoice in his destruction, if they believed that they could preserve their rank and acquisitions in the wreck of his fortune. Hollanders, a glorious opportunity presents itself! What can you do better than to invite the descendant of the house of Orange, and invest him with the privileges which his ancestors enjoyed? In the school of adversity he will have learnt the duties of the station and the esteem which is due to you, and he will look with love and veneration upon a people who have recovered their own rights, and restored him to those of his fathers. But whatever you may determine concerning him, do not forget what is due to yourselves; you are many, your enemy is in himself but one, a weak individual, and the hearts of all mankind are against him. Rise in the fullness of national strength, and a general revolt of the continent will ensue; he will fall in the struggle, and history will record your triumph as a dreadful warning to oppressors, and a glorious example to mankind."

This language was worthy of a Dutchman, who remembered what his forefathers had suffered and achieved in their long and memorable struggle for independence, and who saw with shame, as well as envy, that Spain had commenced a struggle, not less arduous nor less worthy of everlasting remembrance and everlasting praise. But the hour was not yet come. The hearts and understanding of the higher order of the Dutch had too long been exclusively directed to the mere object of gain; the rule of Profit and Loss was to them law, gospel, and constitution: calculation supplied the place of patriotism and principle; from the beginning of the revolutionary war, they had calculated the cost of resistance, and the saving which might be made by submission; they had taken what they supposed to be the cheapest side, and when they were out in their arithmetic, it was a case in which errors were not excepted. The people were less degenerate; Rotterdam was not the

only place where they showed themselves ready for insurrection, had they known where to look for leaders. At Deventer, Zutphen, and several other places, there were tumults, and lives were lost. At Breda, it is said, a conspiracy against Buonaparte was discovered. It seems to have been fomented by the catholic priests, or at least that he suspected them of having fomented it; for when the protestant and catholic clergy in that city were admitted to an audience during his tour, he showed himself ill affected toward catholicism in general, and to the priests of Brabant in particular. The protestant clergy had waited upon him in their canonicals, and concluded their address, by assuring him it was the immutable principle of their religion to render unto Cæsar the things which are Cæsar's. The catholic clergy were not in their canonicals, doubtless because, though they came to acknowledge the sovereignty of the usurper, they regarded him as under sentence of excommunication. He turned to them angrily; "You say you are priests; why have not you your cassocks on? What are you? Attornies, notaries, peasants? I come into a province where the majority are catholics, who in former times were oppressed, who acquired more liberty after the revolution, and upon whom the king my brother bestowed many favours. I come in order to make you equal to the rest, and you begin by forgetting the respect due to me, and complain of the oppressions that you suffered under the former government; your conduct shows how well you deserved them. The first act of sovereignty which I was obliged to exercise, was that of arresting two of your contumacious priests," addressing the apostolic vicar; "they are in prison, and they shall continue there. On the other hand, the first word I hear from a priest of the reformed church is, that it is his doctrine to render unto Cæsar the things which are Cæsar's. This is the doctrine you ought to preach, and from that gentleman," said he, pointing to the spokesman of the reformed deputation, "you ought to learn it.

"You have calumniated the protestants," he continued, "by representing them as preaching doctrines dangerous to the state; but the best subjects I have are protestants. In Paris I am partly attended by them; they have free access to me; and here a handful of Brabant fanatics attempt to resist my designs. Had I not met in Bossuet, and in the maxims of the Gallican church with principles that agree with mine, and had not the *concordat* been received, I should have become a protestant myself, and thirty millions of people would have followed my example. But what religion do you teach? Do you not know that Christ said, 'My kingdom is not of this world,' and would you interfere in my concerns? You will not pray for a sovereign; you want to be obstinate citizens; I have the proofs of it in my pocket. If you maintain such principles, your lot will be punishment in this world, and eternal damnation in the next. You," said he, turning to the chief of the deputation, "you are the apostolic vicar. Who appointed you to that office? The pope? He has no right to do it." Then addressing them again collectively, "You will not pray for the sovereign,—perhaps because a Romish priest excommunicated me; but who gave him the right of excommunicating a sovereign? Why did Luther and Calvin separate themselves from the church? Your in-

famous sales of indulgencies caused them to revolt, and the German princes would no longer bear your sway. The English acted wisely in renouncing you. The popes, by their hierarchy, set Europe in flames. Perhaps it is your wish to re-establish scaffolds and racks; but it shall be my care that you do not succeed. Are you of the religion of Gregory VII., Boniface VIII., Benedict XIV., or Clement XII.? I am not; I am of the religion of Jesus Christ, who said, 'Give unto Cæsar the things which are Cæsar's;' and, conformably to the same gospel, I give unto God that which belongs to God. I bear the temporal sword; I know how to wield it. God placed me on the throne, and you reptiles of the earth dare not oppose me. I owe no account of my administration to the pope,—only to God and Jesus Christ: You perhaps think me created to kiss the pope's slipper. If it depended on you, you would cut off my hair, put on me a cowl, place me in a convent, or, like Louis the Pious, banish me to Africa. What ignorant idiots you are! Prove to me out of the gospel, that Jesus Christ has appointed the pope his substitute, or successor of St Peter, and that he has the right to excommunicate a sovereign. If you care about my protection, then preach the gospel as the apostles did. I will protect you if you are good citizens, if not, I will banish you from my empire, and will disperse you over the world like Jews." He then ordered the prefect to make the necessary preparations, that these people might swear to the *concordat*, and bade him attend to the seminary in Breda, and take care that the orthodox gospel was preached there, in order that it might send forth more enlightened men than these idiots, as he called them.

Before Buonaparte set out upon this tour, he was witness to a frightful accident. On the very day that Louis abdicated his throne and retired to private life, *July* 1. a night fete was given at Paris by the Austrian ambassador, in honour of Maria Louisa; the gardens were fitted up so as to represent different scenes in Austria with which she was well acquainted, and the performers from the opera, who executed the dances, were dressed in Austrian costumes. Twelve hundred persons were invited, and, in order to accommodate so large an assembly, a temporary building was formed of planks, which were concealed with hangings of gauze, muslin, and other drapery equally light. This drapery caught fire, and the whole room was soon enveloped in flames. All attempts to extinguish or check the progress of the fire were in vain. Buonaparte and Maria Louisa left the room the instant it was discovered, and they were scarcely out of the door before the alarm and the danger became excessive. The crowd in their terror impeded one another; many were thrown down and trampled on; the Queen of Naples, who followed in the suite of Maria Louisa, fell, and was only saved through the exertions of the Grand Duke of Wurtzburg; the Russian ambassador fell on the steps leading into the garden, which were then on fire. Eugene Beauharnois had nearly perished; the lustre and the roof fell between him and the door which led into the garden, but he had luckily remarked a small door leading into the hotel, and through that he escaped. The sister-in-law of the Austrian ambassador, Princess Pauline

Schwarzenburg, having escaped out of the ball-room herself, rushed into the flames again in search of one of her daughters,—her body was discovered in the morning, and recognised by her diamonds. In the confusion thieves got into the garden, and made a richer booty in jewels than had ever before fallen to the lot of any of their fraternity.

During his tour, the tyrant might have seen with his own eyes the distress which was occasioned by his anti-commercial edicts. He had lately established at Paris two councils general of manufactures and commerce, each consisting of sixty members, who were to be so chosen by the minister of the interior, that every branch of trade should have at least one representative, and the silk, woollen, hemp and flax, cotton, leather, and skin manufactures, not less than six each. Such of the members as should prove themselves most useful, or display superior talents, should obtain the title of Counsellor of Arts and Manufactures, or Counsellor of Commerce, and receive a brevet to that effect, signed with the emperor's own hand. The reason assigned for forming these establishments was, that it was the emperor's intention to ascertain the opinions of the principal merchants and manufacturers in the empire, upon every thing relating to commerce and manufactures. They would have given him their opinions, had they been permitted, in these words: *Laissez nous faire;* let us alone. The establishment of such an institution seemed ridiculous, at a time when the whole efforts of this tyrant were directed to the destruction of commerce. Along the whole line of coast, from Hamburgh to France, detachments of soldiers and custom-house officers were stationed, who searched every person that past them; and if they saw a boat moving on the water in the dusk, or heard footsteps in the darkness, fired at once toward the spot, and frequently committed the most wanton murders with impunity. A fifth part of any concealed commercial property was promised to the informer who should discover it, and a tenth to the agent of the custom-house who should seize it. The worst effect of this decree was, that, by holding out so high a premium for the foulest breach of confidence, it tempted confidential servants to betray their employers, and much buried property was thus brought to light. Domiciliary visits were made by the custom-house officers and their soldiers, in search of hidden goods. Two officers, convicted of having permitted a ship to enter a French port which had touched at England on its way, were condemned to be imprisoned eight years in irons. The duty of 50 per cent. upon all colonial produce, was levied with an insolent rigour, such as the most brutal Turk would use, in some petty port of the Red Sea, towards an unhappy adventurer, whose life as well as property was at his mercy. At Hamburgh, payment was demanded within eight-and-forty hours, on pain of seizure and confiscation,—a demand with which few merchants could possibly comply. The merchants in Dantzic, and the Prussian towns on the Baltic, having failed to pay these monstrous demands, the French officers seized as much property as they judged equivalent to the duties, allowing what they thought proper for the probable depreciation of the article in France, and likewise for the expence of transporting it to Paris. Large convoys

were weekly sent off in this manner, amid the hisses, groans, and execrations of the populace.

These measures not only produced distress to all who were dependant upon commercial pursuits and ruin to many, but brought home some privation, or personal inconvenience to almost every individual upon the continent, accustomed as the continental nations were to the use of English manufactures, and especially of colonial produce. At Hamburgh, sugar was sold this year for a crown a pound. Buonaparte seemed bent upon excluding colonial sugar from his empire; he gave orders that none should be used in the imperial kitchen, except what was extracted from grapes, and encouraged attempts equally absurd to produce it from carrots, and from beet, and from honey. Macedonian cotton was brought by land into Holland. The Danes sent from Copenhagen to the south of Russia for cotton, which was to travel by land carriage to the shores of the Baltic. The trade between Russia and Prussia, which formerly employed an immense tonnage, was carried on wholly by land carriage of the most miserable kind, in carts, a thousand of which would not convey as much merchandize as one vessel of 300 tons. They traveled in long strings like caravans. On the 9th of April, thirty of these Russian kibitkas, as they were called, entered Hamburgh for the first time, a sight not less mournful than extraordinary for the merchants of that city, whose trade had been so prosperous till the reign of this upstart barbarian. The Emperor of Austria, assenting to all the measures of his son-in-law, however wicked, or however absurd, acceded to his continental system, prohibited all intercourse with England, and then vainly endeavoured to supply the want of the commodities which he had excluded. Premiums of 500 ducats were offered at Vienna for substitutes for camphor, Peruvian bark and opium, and for the discovery of plants possessing the same virtues as senna, jalap, and ipecacuanha. Many towns could have no lamps lighted for want of oil. Sugar was only subjected to new regulations, not prohibited, because, the Austrian government said, it was an article indispensably necessary in pharmacy! The same plea would not avail for coffee to the same extent, but the medical men at Vienna declared there were persons to whom coffee was an article essential for their health; they proposed, therefore, that apothecaries should be authorised to keep it, and physicians allowed to prescribe it for such persons at the rate of an ounce per day: under this pretext its importation was admitted by special licences. It was discovered also by antiquarians, that some bishop in former times had prepared a drink from burnt lupine seeds, perhaps from a principle of mortification; this discovery was now brought into use, and roasted lupines sold under the name of bishop's coffee, or perhaps coffee under the name of roasted lupines. Such was the degradation to which this barbarian had reduced the continent of Europe.

Under the best regulated governments it is found impossible to prevent smuggling, of all offences that for which there is the most temptation. That it leads to habits the most dangerous, and crimes the most desperate, is certain; but it is equally certain, that they who engage in it begin without any sense of guilt, and that no man among the populace thinks the worse of his neighbour for

being a smuggler; on the contrary, the smugglers are never at a loss for voluntary assistance to carry off or secrete effects that are in danger. But if this is the case in England, and that it is so, is as notorious as it would be easy to show why it must be so, what must it be upon the continent under circumstances like the present? Under such circumstances, a band of smugglers was an association in defence of property, and smuggling was resistance to oppression, not indeed the most dignified form that resistance could assume, but the first and the most natural. This spirit soon appeared; men associated in armed and organized bodies, like so many *guerrilla* parties, and, in spite of Buonaparte's line of custom-houses and of troops, landed, escorted, and sold those articles which habit had long rendered essential in their own domestic economy, and of which their own government had always encouraged the importation. Irritated at this, the tyrant issued an edict *Oct.* 18. for the establishment, until a general peace, of tribunals charged with the repression of fraud and smuggling in matters relative to the customs. They were to have cognizance, exclusive of all other tribunals, both of the crime of smuggling, executed by an armed force, and the crime of entering into speculations for contraband traffic, and the crimes and delinquencies committed by the officers of the customs in breach of their duty. The persons subject to these jurisdictions were those who should be accused as chiefs of bands, conductors or directors of companies of smugglers, insurers, parties interested and their accomplices in all enterprizes for defrauding the revenue. They were invested with capital jurisdiction, and their decisions were without appeal. The punishment for smuggling, carried on by an armed force, remained death as before. But new punishments were enacted for all other offenders; dealers in prohibited goods were to be burned in the forehead with the letters B. D. (*brulé par la douaine*), and condemned to ten years hard labour, and this without prejudice to an adjudication of damages of state, proportioned to the profits which they might have derived from their trade. Those who dealt in goods which were not absolutely prohibited, that is, smuggled, according to the old acceptation of the term, were to be punished with four years hard labour, and mulcted in the like proportion to their former illicit gains. Persons employed in carrying the goods were liable only to correctional punishment, if any extenuating circumstances offered in their favour; but they were to be placed under the superintendance of the supreme police. The goods liable to duties were to be sold by auction, the prohibited ones publicly burnt. This monstrous decree was of course repeated in all the countries under vassallage to France. Men were actually burnt in the forehead with a red-hot iron for these offences, and sentenced to hard labour for ten years; and the continental journals recorded, as so many triumphs over Great Britain, that piles of the most precious merchandize were burnt in the public squares. They added, that the beholders expressed their joy at the conflagration, regarding it as a fatal blow to England. This was one of the systematic falsehoods of the French government. The truth is, that wherever these destructive exhibitions were made, it was necessary to repress the indignation of the people by the presence of a strong armed force, and carry the edicts of the barbarian into effect at the point of the bayonet.

It is said that Fouche, a man first

distinguished as a violent jacobine, and afterwards as Buonaparte's minister of police, an office which, under such a tyrant, is more exalted indeed, but not more honourable than that of hangman, offended his master, by representing to him the evils and the pressure of individual suffering, caused by the stagnation of trade, and the burden of the conscription, as considerations which should induce him to think of peace. Certain it is, that he was dismissed from his office; the disgrace was covered by appointing him governor of Rome, till measures should be taken for arranging the administration of the Roman states; and Buonaparte, in the letter which notified this appointment, assigned as a reason for it, the services which Fouche had rendered him in different circumstances. But the appointment was for the purpose of exiling him, and Fouche, though, in his reply, he accepted it, as a recompence for the feeble services which he had been happy enough to render the emperor, communicated his acceptation in the language of regret as well as of submission, and spoke of his absolute resignation as the strongest proof of unbounded devotion toward the imperial person. Savary, whose infamy has been recorded in these annals, was appointed his successor.

The tyranny of Buonaparte's domestic policy was not less grievous than that which he exercised over his unhappy allies. The restrictions which he had already laid upon the press were not deemed sufficient, and he now decreed, that there *Aug.* 3. should be only one newspaper published in each of the departments, with the exception of that of the Seine, and that this one should be under the authority of the prefect, and never published without his approbation. "Nevertheless," it was added, "the prefect may provisionally authorise in our great cities the publication of papers, containing advertisements, in the nature of posting-bills or hand-bills, relative to sales of articles of merchandize, and immoveable property; and journals treating exclusively of literature, the sciences, arts, and agriculture. The said publications must contain no articles foreign to their object." What a state of fear must this tyrant exist in, when he feels it essential for his safety that his subjects should be kept in ignorance of the events of their own time, and receive no other intelligence of the war in which his wickedness has involved them, than what he himself thinks proper to communicate! In all its former wars the French government has never found such precautions necessary; but the guilt and the shame of its transactions in the peninsula have rendered it cowardly. By another imperial decree, considering that the *Nov.* 18. reduction and settling of the number of printers must necessarily leave printing presses in the possession of individuals not licensed to make use of them, and that it was important to know who these persons were, and to what purpose they intended to apply these implements, it was enacted that all such persons must make a declaration respecting such implements to the prefects of their respective departments. Makers of images, dominos, and tapestry, were also subject to the same regulation.

The character of this detestable tyranny was still farther shown, by a decree issued from the palace of Fontainbleau, relating to persons of both sexes who were in *Oct.* 3. service as domestics at Paris, or wished to become so. All such

persons, under whatever denomination they served, and whether their engagements were by the year, month, or even day, were to have their names, place of birth, employment, description, and state, whether married or single, inserted in a register, together with the name of the person whom they served; and those persons who served by the month or day, besides declaring their place of abode, were to produce a housekeeper, who should be responsible for them. These persons were to be furnished each with a counter-ticket corresponding to his register; and all who within the month failed thus to inscribe themselves, should be imprisoned for not less than eight days, nor more than three months. No person was permitted to take into his employ any person without a card of inscription, and this card was to be delivered into the hands of the master, who, as soon as the servant left him, was bound to notify upon it the day of his departure, and address it to the prefecture of police. The servant also was bound to repair to the prefecture within 48 hours, declare what course he meant to pursue, and receive the card again. Servants were forbidden to hire any chambers or closets without the knowledge of their masters, and without giving notice to the commissary of police for the division. Every servant out of place for more than a month, who could not give a satisfactory account of his means of subsistence, should be obliged to depart from Paris, if he were not authorised to reside there, under pain of punishment as a vagrant.—The direct and almost undisguised object of this decree, was to establish a system of espionage in every house in Paris.

A few weeks after this new measure of jealous tyranny, the Corsican announced to his senate, and to the archbishops and bishops of his empire, the pregnancy of Maria Louisa, informing the latter, it would be very agreeable to him that particular prayers should be offered up for her safety. The reply of the senate is a fine specimen of the modern French style, which has long been assuming an eastern character of frippery and bombast. "Sire," they said, "the senate has heard with the most lively emotion the letter of your imperial and royal majesty. France sees accomplished the wish which she had formed, and, not ceasing to admire the destiny of the greatest of monarchs, she is pleased in contemplating the bright star of Napoleon illuminating the cradle which the laurels of glory and the palms of virtue surround. How often, sire, have we presented to the first of heroes the homage and admiration of a great people! We now offer to the father of the country the wishes of that people; happy in seeing his happiness, happy for his hopes, happy for all that with which the august princess, whom he cherishes for her sake and for ours, inspires him."—It was announced also to the people of Austria, in Austrian phrase, that the archduchess "was in blessed circumstances of body." Important and flattering, it was added, were the hopes with which this happy event must animate the two noble and powerful nations of Austria and France. Such hopes were little able to alleviate the actual sufferings of the Austrians. A campaign carried on by such immense armies as were opposed to each other in 1809, had occasioned such a consumption of fodder, that the farmers were compelled to kill their cattle for want of food for them; great part of their harvest had been destroyed or consumed; a total stop was put to all those branches of in-

dustry which depended upon foreign commerce; and the distress of the government keeping pace with that of the people, the state declared that it stood in need of the tenth *Sept.* 12. of the property of all its subjects. The object of this contribution was stated to be twofold; the extinction of the paper money, and the payment of such of the debts of the state as bore interest. The people were permitted to pay this contribution in fifteen equal portions from year to year, and considerable deductions promised to persons who should make their payments in the first eighteen months. The tax upon moveable property was to be paid in five years, during which time the whole of the money thus raised was to be applied to the extinction of the paper money. All church plate whatsoever, without exception, was ordered to be delivered in for the use of government, in return for which, obligations of the Aulic Chamber were given, bearing interest at 3 per cent.; and it was promised that the principal should be repaid in four yearly instalments, of which the first was to take place at he end of ten years. While the people of Austria were thus oppressed by heavier imposts than had ever been laid on them before, and saw their churches stript, not only of all that was ornamental, but of what they had been accustomed to consider as essential to the decency of religious worship, they had the aggravated pain of seeing waggons full of specie travel from Vienna toward France, in payment of the arrears of the war contribution exacted by Buonaparte from his father-in-law. They who were able to fly from all this misery endeavoured to get beyond the reach of those evils which the French revolution has brought upon every part of civilized Europe, and great numbers emigrated to the Crimea.

Church property received the same rude shock in Prussia, as in all the countries which *Nov.* 10. were under the dominion of France; all convents and other ecclesiastical institutions, bailliwicks and commendaries, whether of the protestant or catholic religion, were declared to be the property of the state; no novices were to be admitted, nor any persons appointed to offices as they fell vacant; they would thus be gradually abolished, and the existing members were to receive a suitable compensation from the state till they died off. The king promised to provide for those institutions which were employed either as hospitals or schools. The reason assigned for this usurpation of property was, that the designs for which convents and ecclesiastical institutions had been endowed, were not consonant with the objects and necessities of the present times; that the neighbouring states had done the same thing; that the heavy claims of the state upon private property might thus be lessened; and that the punctual discharge of the contributions to France could be effected in no other manner. Frederick William felt the distress of his people and the degradation of his country more deeply than any of his brother sovereigns, because he had a nobler spirit, and a better heart. He and his queen returned to Berlin at the Christmas of 1809, after an absence of two years; their return was to all but themselves an occasion of joy, and they, amid the grief of poignant remembrance and regret, had at least the satisfaction of seeing how truly they were beloved by the people. One of the first measures after their return was

in that spirit of liberal encouragement toward talents of every kind, for which Prussia had long been distinguished; it was a new organization of the orders of knighthood, which were now divided into two distinct classes, one for military services, the other for merit of every other kind. The king, submitting to his evil fortune, obeyed the injunctions of the Corsican, and enforced in the remnant of his dominions the edicts against commerce, which that barbarian extended over the whole continent; but, in the language of Frederic William's decrees, it might always be seen that he acted under a necessity against which it was hopeless to contend. In the course of this summer he lost his queen, a woman still in the prime of life, remarkable for her beauty and talents and generous spirit, and not less dear to him for her domestic virtues. Had her councils been followed in time, Buonaparte would never have triumphed over Austria at Austerlitz, and it must have been the bitterest of all her husband's sorrow to reflect, that if from the beginning his policy had been upright and honourable, he might have handed down to his children, unbroken and secure, the dominion which he had received from his fathers. The loss of his wife, who died with her hands clenched in his, almost overpowered him, and with a broken spirit, and well nigh a broken heart, he determined to abandon all farther cares of state, and indulge his grief in retirement. From this resolution he was with difficulty dissuaded by his friends, and his last act during the year was to sell off some of his most valuable jewels, to the amount of 600,000 florins, in part of the contributions exacted by France, that he might in some degree relieve his subjects. Affected by this example, they who had yet the means raised a voluntary subscription, to prevent farther sacrifices on his part.

Jan. 19.

Frederic William had too many nearer troubles to feel any additional alarm or pain at seeing Hanover, the bait which had tempted him to his ruin, annexed to the new kingdom of Westphalia. Jerome Buonaparte announced to the Hanoverians, that the emperor, his exalted brother, had, by a convention concluded at Paris, transferred to him all his rights and claims to their country. "His deputies," said he, "have delivered it to me, and I this day take possession of it. Henceforth you are to enjoy the invaluable advantage of being relieved from the painful state of uncertainty in which you have hitherto lingered, and of being for ever united with a state which will secure you against all attacks of continental powers, and which will also know how to protect you from the insults that might be attempted in the course of a maritime war. The misery and wretchedness to which you have hitherto been exposed, cannot but render you more thankful for the happiness which you are now to enjoy." One mournful statement will suffice to show what the happiness was of which the Hanoverians were to partake. Of 8000 conscripts raised in the kingdom of this poor debauched puppet, all were under eighteen years of age; two thousand were under sixteen, and three thousand were boys between the age of ten and fourteen!

March 7.

The deputies from Hanover were represented in the French journals as addressing the king, to whom they had been made over, in a strain of adulation perfectly Parisian; but it ap-

peared from the German journals, that a becoming dignity was preserved by them in their unavoidable submission. Their president, the Counsellor Patje, represented to Jerome in strong language the unhappy condition of the people, and the grief with which they had been constrained to renounce the authority of their former prince, under whom they had enjoyed so many blessings, expressing a hope that the monarch to whom they now promised obedience would heal the wounds of the country. Te Deum was sung at Hanover upon this occasion; the theatre was opened gratuitously, and the towns-people made to illuminate. But amid these apparent rejoicings, the government found it necessary to issue a proclamation forbidding emigration; and the feelings of the people were so well known, that it was thought prudent to prohibit the sale of prints of the Duke of Brunswick Oels, and snuff-boxes bearing the portrait of that gallant prince, whose movements in Germany Jerome did not remember without an ominous sense of the injustice of his own title, and the insecurity of the tenure by which he held his throne, as the deputy of an usurper. The hatred which Buonaparte bears to the house of Brunswick, or rather to Great Britain, was even more strikingly manifested, by a circumstance trifling in itself, but peculiarly characteristic of the manner in which he seeks by every possible means to aggravate the evils of war. A paragraph appeared in one of the French journals, saying, that what some German newspaper had said of the Queen of Wirtemberg keeping up a correspondence with her father, the King of England, was false,—she had not written to him for several years. Not only those courtesies of increasing civilization, by which a state of hostility was mitigated, must be disused, but all common humanities are proscribed by this barbarian, and even the intercourse between father and child forbidden.

Those Alpine countries, where the people had for so many ages enjoyed their own institutions and flourished under them, suffered, in this mournful state of the continent, as many changes as the old free states of Holland and Germany. Part of the Tyrol, which the tyrant had formerly given to the most guilty of his allies, the King of Bavaria, was now, under the name of the department of the Upper Adige, annexed to Buonaparte's kingdom of Italy. The arms of this new kingdom were fixed upon all the public buildings, a general illumination was enjoined, and the French people were assured that the Tyrolese showed by their rejoicings how duly they appreciated their happiness in belonging to a government whose wisdom secured their internal prosperity, and whose force protected them from any external attack. The prefect of the new department insulted this brave people, by telling them in his proclamation that they rivalled the ancient people of Italy in fidelity and devotion to the great Napoleon, and in love for the best of princes. "How pleasant will it be for me," said he, "to lay at the foot of his throne the solemn act of your re-union, confirmed by the testimony of your gratitude." This to the countrymen of Hofer! They had at least this consolation, that the master to whom they were transferred, however execrable in all points, could not be more ungrateful than the one for whom they had made such heroic sacrifices. Not only did the Emperor Francis permit Hofer to be

June 10.

put to death without one effort in his behalf, and at the very time when preparations were making for the marriage festival at Vienna, but he ordered such of the Tyrolese as had taken refuge in that city to quit it; they were called insurgents by him, for whom, and at whose instigation, they had risen in arms; and it is even said, that some of them were arrested by the Austrian government, in obsequious obedience to the Corsican!

The Valais also was united to France, as the department of the Simplon. Buonaparte issued this decree of usurpation, "considering," he said, "that the route of the Simplon, which connects the empire and our kingdom of Italy, is of use to more than sixty millions of people; that it has cost more to the treasuries of France and Italy than eighteen millions, which expence would be entirely useless if the trade through it did not find accommodations and security; that the Valais has not adhered to any of the engagements it entered into, when we ordered the works for opening this grand communication to be commenced; wishing, moreover, to put an end to the anarchy which prevails in that country, and to cut short the oppressive claims to sovereignty of one part of the population over the other." The conscription was immediately enforced in all the countries which fell under this iron yoke. In Switzerland, 2300 men were raised for the wicked service of the Corsican between the months of December and March; yet this service was so abhorred by the people, that in the canton of Zug a proclamation was issued, declaring that all persons who spoke unfavourably of it should be apprehended, and punished as enemies of the country. The old rights of hospitality were no longer regarded in this country, which was once as happy as it was free. Domiciliated foreigners were informed, that they must either cause their sons to enlist, or quit the country. The Swiss press, which had been free when that of England as well as of France was enslaved, was now for the first time fettered. A law was passed at Berne, or, more accurately, received there from Paris, requiring all printers and booksellers to take out an annual licence, and ordaining that no book should be printed or sold without the approbation of a committee of censorship. The effect of these restrictions upon the literature of the continent was such, that the French journal of foreign books was diminished one third in size.

The next act of usurpation annexed the Hanse towns to the Corsican's empire, and placed Hamburgh, Bremen, and Lubeck, among the number of good cities whose mayors were to be present at the oath of fealty to the emperors at their coronation. The people were promised, as a boon which was to compensate for the loss of their independence, that a communication should be formed with the Baltic by a canal, which, extending from the canal of Hamburgh to Lubeck, should connect the Elbe and the Weser, the Weser and the Ems, the Ems and the Rhine. The French flag was to be hoisted in these old and venerable cities on the first day of the new year, and the French papers spoke of nothing but the joy of the people, their well-founded hopes of seeing their ancient prosperity restored, their confidence in the genius and benevolence of Buonaparte, and their satisfaction at being admitted among the number of his subjects. But the letters from these cities told a different tale; they spoke of the insatiable ambition, the

implacable tyranny, and shameless perfidy of a government, which, having stripped them almost of their last ducat, consummated its guilt by robbing them of their independence.

The events in Sweden were more extraordinary and not less important than those of the preceding year. Prince Christian Augustus of Augustenberg, the elected crown prince, arrived at Gottenburgh on the 9th of January. He made his entrance at midnight, with a cavalcade of horsemen bearing torches in their hands, and proceeded through streets wherein 20,000 lamps had been prepared to light his way to the governor's house. Glad of any thing which offered a hope of tranquillity to the country, the Swedes seem sincerely to have rejoiced in his arrival. He was a man about forty years of age, below the mean stature, with strong features, deeply scarred by the small pox,—in person therefore neither prepossessing nor majestic, but he was supposed to possess a sound understanding. When he reach-
Jan. 24. ed the capital, the king introduced him to the assembly of the states, adopted him for his son, and gave him the name of Charles Gustavus. The crown prince then mounted upon the steps of the throne, took off the crown which had been given him, and, kneeling and laying his hands upon the Bible, took the oath appointed; after which he received the homage of the states.

He found the country in a state of great distress, public as well as private. The public debt was estimated at forty millions, and for the last two years no part of the interest had been discharged. The states were not well agreed among themselves. The nobles, desirous of preserving to themselves that power which they had so often exercised to the misfortune of Sweden, wished to alter the coronation oath, and make it conclude in these terms: "All these things we engage strictly to observe and fulfil, as we desire that the states and inhabitants of Sweden shall feel themselves bound to observe and fulfil their oaths of fidelity and allegiance to us." But the other three states, while they were endeavouring to settle the affairs of the kingdom after one revolution, refused to make this preparation for another. An attempt was made against the property of the church by the three other states; they proposed to abolish episcopacy, not from any objection to the discipline, but upon the true sordid principle of modern reform, the rule of profit and loss, applied to government, and misunderstood. Their plan was to let the present incumbents drop off, and when the bishop died, transfer his duties to the dean, and take the income for the use of the state. Had the clergy been mingled with the other representatives, this unjust and most mischievous measure might have been carried; but meeting as a separate and equal state, they were enabled to protect their own property and the best interests of the public.

The crown prince soon made himself popular. He was seen inspecting the provisions, which were at this time distributed gratuitously to the poor, who must otherwise have perished, and examining in person the stores destined for the supply of the army. It is said also that he visited *incognito* the hospitals and prisons. By such means the affections of the people were easily won. Their hopes were of short duration, for, on the 29th of May, as he was reviewing some hussar regiments at Bonorp Heath,

a few miles from Helsinburgh, he fell from his horse and died immediately. In other times his death would have appeared perfectly natural; but the populace, who had been too much accustomed to conspiracies, suspected poison, and their suspicions fixed upon the two noble families of Fersen and Piper, who were supposed to be jealous of his popularity, fearing that by his ascendancy now, and his subsequent elevation to the throne, they should lose their influence in the government. This notion obtained so generally, that, nine days after his decease, the king ordered a judicial inquiry to be instituted touching the truth or falsehood of the report. This act of the government of course confirmed the people in their opinion. The interval which elapsed between the death of the prince and his interment, gave full time for suspicion to spread; and when the funeral procession arrived at Stockholm, on the 20th of June, the agitation of the people had increased to a dangerous height. Count Axel Fersen, in a chariot drawn by six horses, unfortunately led the procession; an immense multitude had collected, who assailed him with hisses and groans; but so little did he seem conscious of deserving their indignation, that it was not till a stone was thrown into the carriage that he perceived himself to be the object of it. Then putting his head out of the window, he either attempted to address the mob, or, if his gestures were interpreted rightly, menaced them. Upon this he was assailed with a volley of stones; one of them struck him in the face; and finding himself in imminent danger, he jumped out, and with great difficulty took shelter in the nearest house. A cry was now set up that he had murdered the crown prince. Baron Silversparre, the adjutant general, came up at this time, and learning the cause of the tumult, thought to appease the people by assuring them in the king's name that Fersen should be arrested and brought to trial. They huzzaed at this, appeared to be satisfied, and began to disperse; but when the count, venturing too soon from the house, attempted to reach his carriage, they rushed upon him, and, in spite of the life-guards who surrounded him, but who forbore too long, they murdered him, tore the clothes from the mangled body, and exposed it naked in the streets. They threatened his sister, Countess Piper, and the queen herself was not spared in their language; but the soldiers being compelled in their own defence to fire, the mob was for the time suppressed, though not without much bloodshed. Five of the soldiers were killed; not less than a hundred of the populace killed and wounded.

A proclamation was immediately issued, exhorting the people not to suffer themselves again to become the tools of perfidious intriguers; but the conduct of the government seemed to imply that they partook in some degree of the general suspicion; Countess Piper, and M. Rossi, chief physician to the late prince, were arrested; and Count Fabian Fersen, brother to the murdered count, resigned his office of Lord Chamberlain. On the third day after the tumult, an official report of the investigation was made by the Chancellor of Justice. "It had been commenced," he said, "on the 10th, but was not yet closed, because all the necessary testimony had not been collected. As far as the inquiry had been conducted, it had not afforded any ground for supposing that there was the slightest foundation for the popular suspicion, which

indeed might be considered as refuted by the opinion of the Royal College of Physicians. Whether farther examination would place the matter in a different light, would soon be seen. But for the purpose of encouraging the discovery of truth by all lawful means, the chancellor suggested that a reward should be offered to any persons who could give evidence before a court of law, so that the offenders might be lawfully convicted. In this manner the purpose of justice would be obtained; and if such evidence were not offered, then the falsehood of the report would appear, which otherwise would remain a stain upon the honour of the Swedish nation." Accordingly a reward of 20,000 rix dollars was offered to any person who could give such evidence of the murder as might convict the offender, of whatever rank or description the offender might be.

No persons were more solicitous for the investigation than those who lay under so foul, and, as it appears, so groundless a suspicion. Count Fabian Fersen petitioned that seals might be put upon all his brother's papers; they were examined, and nothing appeared which could be supposed in any degree to criminate him. The examination of the physician, M. Rossi, tended to render the truth more doubtful. The tribunal to which the business had been referred, reported that, according to his own account, he once noticed the prince to be seized with a giddiness, and at another time to be insensible for some moments, and yet had paid no particular attention to these symptoms of disease, as his duty required him to do. That four-and-twenty hours after the death of the prince, without waiting for the orders of his majesty, and without taking any means for preserving the body, he opened it in presence of three physicians, and against the representations of the chamberlain and of other persons; that he had performed this operation with great negligence, omitting many things which the law prescribed, which the assisting physicians proposed, and which were essential to render it satisfactory; and finally, that the contents of the stomach, which it was important to preserve and submit to chemical analysis, were not examined, but, by his own acknowledgement, thrown away. Having therefore passed the bounds of his function as physician to the prince, and discovered a culpable negligence and want of skill in the exercise of his duty, the Royal Tribunal of the High Court of Justice declared, that he ought to be deprived of his appointment, and that he no longer deserved to live in the country. This report was not likely to lessen the prevalent suspicion; and one of the professors who was consulted delivered in two memoirs to explain the reasons which inclined him to ascribe the death of the prince to some poison analogous to the *aqua tofana*; for though he was not acquainted, he said, by experience with the symptoms produced by that deadly composition, nevertheless he conceived that the symptoms which preceded the fatal apoplectic stroke were such as might well be expected to be produced by some slow and secret poison of that kind. It was hardly to have been expected in this age, that a man of any eminence in his profession should have delivered an opinion founded wholly upon ignorance. There was a report that six thousand rix dollars had been paid to the person who administered the poi-

son, and that he had succeeded in escaping out of Sweden with that sum.

Nothing more resulted from the investigation, nor indeed does there seem to have been any just reason for supposing that the prince's death was not purely natural. The agitation of the people subsided, and their attention was called off to the more important question of the succession. One party wished to restore it to the son of Gustavus, who, if the Duke of Sudermania had been actuated purely by a sense of duty, would never have been set aside because of his father's infirmity. The brother of the late prince offered himself as another candidate. Prince George Von Oldenburgh, brother-in-law to the Czar Alexander, was supported by the Russian interest. The King of Denmark flattered himself that he should be supported by France, and proposed himself, in spite of the old enmity between Sweden and Denmark,—an enmity which the late events had not tended to diminish. But an eulogium in the Swedish papers upon Marshal Bernadotte, whom Buonaparte had made Prince of Ponte Corvo, introduced this unexpected personage upon the stage. As a hero, the Swedes were told, he had proved himself invincible; as a statesman, he had promoted the welfare of France without any selfish view; as a conqueror, he became the guardian angel of Hanover; as a philanthropist, he had deserved the blessings of Swedish Pomerania; as a private man, he avoided all excess and all pageantry; and with all these noble sentiments he carefully imbued his hopeful son. That he was not of high descent, could be no objection to him; on the contrary, as he had risen by personal merit, he had thus become conversant with the concerns and relations of all intermediate ranks in life. It would be an easy task for him to learn Swedish; and as to his religion, being already a protestant, it differed from that of Sweden only in matters altogether trifling, so that the transition could leave no matter for reproach. Bernadotte's portrait was soon sent to Orebro, where the diet was convoked, (for Stockholm was not considered as a place where the temper of the public mind would allow them to hold their meetings in safety) and the adventurer wrote letters, professing the interest which he took in the welfare of the country, and pointing out the means by which he hoped to promote it, particularly by repurchasing the estates in Pomerania which Buonaparte had distributed among his officers, and by lending the state three millions of francs, at an interest of 4 per cent., which interest was to be appropriated to national purposes. The clergy, it was said, objected to him, because he was not a Lutheran; and the peasants, because he was a Frenchman; but the business was managed by the nobles, and the public conciliated by hopes carefully held out to them, that the election of Bernadotte might be expected to lead to the recovery of Finland. A list of the candidates was presented to a secret committee appointed for the purpose; the King of Denmark was set aside upon the ingenious argument, that, being already a sovereign king, he could not hold the inferior office of crown prince. A letter from the Corsican was then read, condoling with the Swedes for the loss which they had sustained, and declaring that nothing could be more grateful to him than to see them once again in their former happy and flourishing state. "It was his wish," he said,

"that, as the Swedish people had regained their freedom and independence under so magnanimous a prince as Charles XIII., they might retain that which alone could restore them to their former rank in history, by chusing a man of like sentiments and equal fortitude. He, however, would not interfere in the election, especially as the enlightened members of the diet must be the best judges."

His pleasure, however, was sufficiently understood, and on the 18th of August Bernadotte was proposed to the diet, in a speech from the old king, who, having deprived his brother's children of the throne, was not ashamed to place a French adventurer there. "His majesty," it was said in the speech, "perceived with pleasure that the voice of his people, equally aware of the necessity speedily to choose a successor to the Swedish throne, loudly and unanimously declared in favour of the Prince of Ponte Corvo. Brilliant exploits have illustrated his name as a warrior, at the same time that eminent talents mark him one of the most skilful statesmen of our age. Universally admired for the probity of his character and the mildness of his temper, he found opportunities, even in the midst of the misfortunes of war, to show his attachment to the Swedish nation, by the kind and friendly manner in which he treated the Swedish officers and soldiers whom the chance of war subjected to his power. All these circumstances and considerations could not but fix his majesty's attention and determine his resolution, when the question was, to propose a successor to the Swedish throne. Yet his royal majesty has not failed to take on this important question the sense of the states of the empire, and of the secret committee of the council of state; a large majority of the former, and the unanimous opinions of the latter, perfectly coincided with his sentiments on this point. His royal majesty thinks, that by confiding the future destinies of Sweden to the Prince of Ponte Corvo, his well-earned military fame, while on the one side it secured the independence of the state, will on the other hand render it superfluous for him to engage in fresh wars; that his strong mind, tutored by long experience, will maintain national tranquillity and order, and secure to our faithful subjects a long and undisturbed enjoyment of the blessings of peace; and lastly, that his son will remove in future times that uncertainty of succession to the throne which some late lamentable events have rendered still more important to this country. From all these considerations his royal majesty feels obliged to propose to the assembled states of the empire, his Serene Highness Jean Baptiste Julien Bernadotte, Prince of Ponte Corvo, as Crown Prince of Sweden, and his royal majesty's successor to the Swedish throne."

A proviso was made in this speech, that should the prince be chosen, he must, before he arrived on Swedish ground, adopt the tenets of the pure evangelical creed. Accordingly, after a discussion of half an hour, the states general of Sweden, "judging it their duty," they said, "to prevent and avert the danger to the independence and tranquillity of the kingdom, as well as to the rights and privileges of the inhabitants, which might result from a vacancy of the throne and a consequent election; exercising moreover the power reserved to them by the constitution of the last year, of electing in such a case a new dynasty, and considering that

the High and Mighty Prince and Lord, Jean Baptiste Julien Bernadotte, Prince of Ponte Corvo, was endowed with virtues and qualities which gave them a well-founded hope of enjoying under his reign the fruits of a legal, energetic, and beneficent government, voluntarily elected him by free and unanimous suffrage for themselves and their descendents; under condition, however, that before his arrival in the Swedish territory he should embrace the evangelical Lutheran religion, and sign the conditions which they should draw up."

Bernadotte was not examined in the Lutheran faith by the Archbishop of Upsal till he had had sufficient leisure for learning what new points he was called upon to believe. On the 9th of October he made his solemn profession, and in six days afterwards crossed from Wyborg to Corsoer, in Zealand, passing through a fleet of 500 merchant ships which were under a strong British convoy. It was but an hour's passage; and from Zealand he went safely in a Swedish vessel to Helsinburgh. The people, as was to be expected, crowded to see him; and he acquired some cheap popularity, by getting out of his carriage occasionally on the way to Drottningholm, that they might gratify their curiosity, and addressing a few Swedish words to some of the peasantry. On the first of November he was presented to the diet, and addressed the king and the four estates in a speech more complimentary to the former than he deserved, but not more so than the occasion might be thought to require. To the states he spoke in terms of appropriate compliment, and concluded with language which was little to be expected from one who had been trained in such a school. "Sound policy," he told them, "that which alone the laws of God authorised, must be founded upon justice and truth; these were his principles. I have beheld war close at hand," said he, "I know all its evils; there is no conquest which can console a country for the blood of its children shed in a foreign land. Peace is the first object of a wise and enlightened government. It is not the extent of a state which constitutes its force and independence; it is its laws, its industry, its commerce, and, above all, its national spirit. Sweden, it is true, has sustained great losses, but the honour of the Swedish name has not suffered the least attaint. Let us submit, gentlemen, to the decrees of Providence, and let us recollect that it has left us a soil sufficient to supply our wants, and iron to defend it." On the third the oaths were taken, and upon the following day the ceremony of adoption took place, and Bernadotte received the name of Charles John. The diet broke up on the 12th. One of its last acts was an edict prohibiting Gustavus and his posterity from ever entering the Swedish territory on pain of death. Bernadotte at the close of this session repeated his assurance, "that the government would do all in its power to maintain peace; but," he added, "if the country calls out your sons to battle, tell them that I will be their father during their absence."

In fact, the new Crown Prince, who is from this time to be looked upon as the efficient ruler of Sweden, speedily found that the rank to which he was elevated brought with it cares to which he was equally unaccustomed. Hitherto he had felt no other duty, and had no other interest, than that of obeying his instructions. The case was now widely different. Heir to the throne of Sweden, if not by

the free choice of the people, certainly by their unreluctant assent, the first thing which he learnt was, that the interests of Sweden were in direct opposition to the will of the Corsican who had placed him there :—on the point of duty it is not to be supposed that he would be troubled with scruples, but the path of interest was not plain. From Buonaparte he could have nothing further to hope, but he had to fear a degradation like that which Louis had suffered, or the more wretched puppet at Madrid,—a diminution not merely of power, but of honour and self-respect ; and when Bernadotte reflected upon these examples, upon the geographical situation of Sweden, and the perilous insecurity of a tyrant, against whom the hearts of all men were united, he might well hesitate at injuring and offending the Swedes, in obedience to his commands. The Swedish government, at the time of his election, was temporizing with France, and endeavouring to escape the evil toward which France was pressing her,—that of declaring war against England. Upon this point Bernadotte found that all persons and all parties in Sweden were unanimous, and he seems not to have made any attempt to oppose the general feeling. The Corsican became impatient, the more so, because the loss of the Isle of Mascarenhas, and the mortification which he experienced in the peninsula, rendered him unusually irritable. He sent for Lagerbjelke, the Swedish minister at Paris, and told him that the election of Bernadotte had alone restrained his resentment against the court of Stockholm for the last three months. "I knew," said he, "how to provide against the hatred of Gustavus ; he was my declared enemy ; while the present government has only sought my friendship for the purpose of recovering Finland, an event which will never take place. It has, moreover, continued to trade with Great Britain, in contravention of the treaty of peace with France, and permitted colonial produce to be introduced, for the purpose of being afterwards re-exported to the continent. In consequence of all this, my minister at Stockholm has orders to demand that war be declared against England ; that English manufactures be burnt ; and that colonial produce be subjected to a duty of 50 per cent. ; and in case of refusal, he must quit Stockholm immediately. It is I who order it ; such is my pleasure." The baron observed, that some of these measures could not be taken without convoking the states of the realm ; to which the tyrant replied, "Let me hear no more of these silly laws of Sweden !" and whenever the baron attempted to make any further reply, he was told with characteristic insolence to hold his tongue.

The Danish court, which entered into all the Corsican's schemes against Great Britain with kindred rancour, supported his demands at Stockholm, and the government, threatened at once by France, and Russia, and Denmark, yielded to what it could no longer resist : but its declaration of war was a confession of weakness, which discovered no enmity towards Great Britain, and excited no resentment. It declared, that Sweden desired nothing but to be able to preserve peace with every power ; that the treaties which she had made with the three allied powers of the continent did not insist upon her abandoning her system of neutrality, nevertheless that system had made her the mark of calumny, envy, and hatred ; she was accused of favouring England,

and thereby throwing obstacles in the way of a general peace; and she now ordered the sequestration of English property, and declared war against England, in order to do away this accusation.—Such a manifesto could only excite the compassion of the power against whom it was directed; and accordingly the declaration of war made no perceptible difference in the relations of this country toward Sweden.

Various rumours prevailed during the year, of changes in those parts of Europe where no change could be for the worse. At one time it was said, that the imperial house of Austria was to receive a new splendour in the persons of some of its princes; at another, that a new and splendid destiny awaited Poland. Courland, Livonia, and Esthonia, were talked of as provinces which might well be formed into a separate kingdom. At one time it was said that Berthier was to be made King of Poland; at another, that the house of Brandenburg would be set aside to make way for him. Projects of this kind served to amuse the tyrant who formed them, to secure the fidelity of his generals by exciting their hopes, and to keep the court of Petersburgh obsequious to his will. The weak and misguided Alexander continued meantime to carry on his destructive war with Turkey, the events of which may well be hurried over, as barbarous in themselves and unimportant in their consequences. A variety of bloody actions, in which the Russians were successful, roused the Turks to unusual exertions; the Grand Seignior declared, that he would take the field in person, and his standard of four tails was hoisted on the gates of the seraglio. This determination was proclaimed in all the mosques; the green standard of Mahommed was brought forth; and it was proclaimed, that every Mussulman capable of bearing arms, who did not come forward in defence of his country and his religion, should be dealt with as an unbeliever. Three millions of piastres were levied upon the Greeks, Armenians, and Jews; the mufti and the Grand Seignior set the example of sending their plate to be minted down; and, according to the usual resource of an ignorant government, the money was debased. These measures contributed to allay the agitation which had been produced by the janizaries. The disorder of this corps had become so great, that some of the respectable part of the community, encouraged by some resolute spirits among them who had formerly been janizaries themselves, and could not brook the insolence and excesses to which they were subject, presented themselves unarmed to the sultan, and, in a peaceable but firm manner, required either that the government would effectually protect them, or authorize them to protect themselves, and do justice upon the ruffians who were unworthy of the name they bore. The government, which not improbably had instigated this application, approved the wish of the people, and, confirming by circular orders the rights and privileges of the janizaries, declared that those rights should be forfeited by every janizary who proved himself by his conduct unworthy to enjoy them; and, under the malediction of the caliphat, enjoined all persons to seize any of this body if they disturbed the public tranquillity, and deliver them to justice; or if they resisted, and collected in bodies, to attack them as mutineers. A contest soon took place, in which the people were victorious, and many

of the mutinous janizaries were strangled.

The armies soon felt the impulse of this vigour on the part of government; the Russians, who were besieging Rudschuck, were repulsed with great loss in an attack; Czerni George also suffered a defeat; and these, with a few other successes, were communicated to the people of Constantinople in official bulletins, not a little curious, both as being the first of their kind, and for the characteristic language in which the intelligence was made known. "The zephyr of victory," it was said, "had breathed on the side of the true believers, and, with the aid of the Most High, and under the influence of the happy star of his highness their sublime monarch, they had been completely successful. Their commander had been favoured and enlightened by the prophet. In one instance, when the battle was doubtful, the soldiers in the front rank, crying out, 'Blessed be the Prophet, and long live the Sultan!' threw themselves upon the Russian bayonets, seized with one hand the weapons which mortally wounded them, and plunged their daggers in the enemy's heart with the other. The trifling loss which they had sustained could only be attributed to the especial protection which Allah extended to the followers of the true prophet; while they had made great slaughter of the infidels, and taken the heads of great numbers to serve as bridges for the true believers in their passage to the other world."

Soon after these bulletins the sultan addressed his imperial greeting to his mufti, the first chief of the faith and high pontiff of mankind,—to his eminent ministers, his worthy prelates, his very honoured teachers and professors of theology, explainers of the Koran and tradition,—his imams, the great of his court, his seven military corps, his agas, officers, and soldiers, &c. &c., telling them that the treacherous Muscovites, those enemies of the faith, persevered in their audacious resolution to execute the devices which their depraved souls had invented. "They have already," said he, "invested our imperial cities and fortresses with war, and further overrun the territory of the true believers. They are not satisfied with putting the adherents of our holy faith, without distinction of age or sex, in chains, wherever they come, and with driving many of our plundered brethren naked from their homes to seek a shelter in the wilderness; but they menace us, the devout followers of the holy prophet, the adorers of the true religion; we to whom power and command have been given by the Almighty at the express intercession of Mahommed, whose holy blood now flows in our veins, with further indignities.—Desirous of consulting only the happiness of our people, we have not hesitated to make known our pacific wishes; but the proposals we have received in return have been too degrading to make us hesitate in rejecting them. In every line of those proposals, the insatiable ambition of our foes may be traced; indeed, nothing but submission, say they, can save us from everlasting war. I, for my own part, cheerfully embrace this latter alternative, rather than endure so great a shame, well remembering the precepts of our holy prophet, as contained in the two following sentences of the Koran:—'God has momentarily left you, in order to make you sensible of your weakness and dependence. Supplicate him, and he will

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assuredly return; then with one hundred men who put their trust in him, you will vanquish two hundred enemies.'—In another part, God says to the prophet, 'Assemble the true believers for battle; if there be twenty firm and brave men, they shall conquer two hundred; and if there be an hundred, they shall vanquish a thousand of their foes.'—I entreat the assistance of the Most High; I pray for the spiritual influence of the prophet. Full of hope, I hasten to share the labours and dangers of my brave troops, to put myself at their head; to rouse the valour of some, to confirm that of others, and to direct that of all: in short, to lead them to battle—to victory!—It is not my design to attribute the fruits of our victories to myself. No; the only aim of my ambition is to make the faith of Mahommed triumph; to frustrate the devices of our enemies, and, if possible, to contribute to the fulfilling of his holy will."

The sultan then gave orders that his intention of putting himself at the head of the army should again be published throughout his dominions, decreeing that in every town or village where the inhabitants did not forthwith join the army, the naibs and imams should lose their places. "Good men," said he, "ought not to be more slow in frustrating evil deeds, than bad men are quick in executing them. May the prophet intercede for us! May the Almighty grant us the victory, and cover our enemies with shame!" Yet, notwithstanding this language, and the promise thus twice repeated of taking the field in person, the sultan remained in Constantinople. Giurgewo and Rudschuck fell, and the Russians were now masters of all the strong places on the right bank of the Danube, from its mouth for more than a hundred leagues upward. The Servians also gained several victories; the most important was upon the Drina, where they took 6000 prisoners. These successes were not purchased without a great loss of men; both parties were weary of hostilities, and negociations for peace were opened. But Russia demanded cessions which the Porte was neither so weak nor so weak-hearted as to grant; and both parties, while the discussions were carrying on, renewed their exertions for continuing the war. During this campaign the Americans, whose spirit of enterprise leads them wherever profit is to be obtained, found their way to the scene of action, and the flag of the United States was seen for the first time in the Black Sea.

CHAP. XI.

Spain. Conduct of the Central Junta. Plan for their overthrow disclosed. Romana's Attack upon them, and their Defence.

THOSE persons who, during the struggle of the Spaniards against Buonaparte, have looked on with unshaken confidence to their final success, found their opinion upon the extent and nature of the country, and the character of the people. The continent, notwithstanding its extent, fell under the yoke of France, because the spirit of the people was not such as to supply the want of sense and of honour in their rulers; and the Tyrolese were subdued notwithstanding their heroism, because, in so small a territory as the Tyrol, an immense superiority of numbers, remorselessly employed, must necessarily overcome all resistance. But no force can be large enough to conquer and keep in subjection a peninsula, containing above 175,000 square miles, and twelve millions of inhabitants, if the people have the virtue to carry resistance to the uttermost. Their armies will be defeated, their towns may be occupied, their fortresses taken, their villages burnt,—but the country remains; the mountains form a chain of fastnesses running through the whole peninsula, and connecting all its provinces with each other; and when the war ceases to be carried on by army against army, and becomes the struggle of a nation against its oppressors, pursued incessantly by night and by day, the soldier, no longer acting in large bodies, loses that confidence which discipline gives him; while the peasant, on the other hand, feels the whole advantage which the love of his country, and the desire of vengeance, and the sense of duty, and the approbation of his own heart, give to the individual in a contest between man and man. The character of the Spaniards might have been learnt from their history; it has been abundantly proved in the dreadful trials which they have undergone. The extent of the country is known, and its local circumstances remain the same as when Henri IV. said of it, that it was a land where a weak army must be beaten, and a strong one starved. They who were neither ignorant of history nor of human nature considered these things; and therefore, from the first dawn of the revolution, regarded it with unabated hope.

But to expect that a wise government could be as it were created, and that the people were at once to become free while they were asserting their independence, was an error into which none but the ignorant and the unthinking could fall; such an expectation, however, was entertained, because, of those who are called the public, the unthinking and the igno-

rant form so large a part. Their error was in great measure occasioned by the use of the word revolution, to which our own history, and still more the recent events in France, had affixed a meaning wholly inapplicable to the state of things in Spain. Hereafter, indeed, the term, in its present popular acceptation, may accurately be applied; for when France has only reverted to her old system, a new and better order of things will be established in Spain, from whence the regeneration of the country will be dated. But it has been forced upon the Spaniards at a time when all ranks and classes were utterly unprepared for it; change was the last thing which they either expected or desired; their habits were broken to the yoke; the evils of their government they bore with complacency, and to the worse evil of their church they were even passionately attached; but happily their superstition was inseparably connected with proud recollections and feelings of patriotism, and thus had contributed to form that national character which alone could bear them through the struggle that awaited them.

The commotions at Aranjuez arose from any thing rather than a wish for revolution. The fear of losing their royal family was what excited the people; and at the accession of Ferdinand not a word was uttered concerning the old privileges, nor was the name of the cortes pronounced, though without such a counteracting power the system of favouritism would have gone on under Ferdinand as it had done under his * predecessors. The general anxiety was to know whether Buonaparte would give the Prince of Asturias one of his nieces in marriage; this was what the people wished, as well as Ferdinand himself, and if the folly of Buonaparte had not been equal to his villainy, Ferdinand would at this day have governed Spain as his vicegerent. But the tyrant's understanding was darkened, as well as his heart hardened; and by a blunder more egregious than was ever before committed by any statesman, he forced into a contest with him the only people in the world capable of maintaining such a contest under such complicated disadvantages.

Such was the national character, that when the struggle began every man was ready to follow in the cause of his country; but so grievous had been the state of education, and so successfully had the double despotism of the government and the inquisition shut out all useful knowledge from their empire, that no man was fit to lead. The people had but one thought, one desire, one object,—to take vengeance for their murdered countrymen upon the French; and being always accustomed to look to their rulers, never to act for themselves, their very zeal displayed itself in the form of obedience; they were eager to obey any who chose to guide them, but no person thought of stepping beyond his rank to take the command. Ferdinand had left a junta of regency at Madrid before he set out upon his wretched journey to Bayonne; everywhere, therefore, the people were talking of a junta, and the proposal to form one at Seville was immediately embraced. The first thought of the people was, that the parish priests and the superiors of the convents should assemble and chuse this body,—so little did they think of exercising any

* El Espanol. T. 1. p. 10.

right of election themselves, and so naturally did they look up to those by whom they were wont to be directed. Some of these persons accordingly met; but the power with which they were thus as it were by acclamation invested, confounded and intimidated them; many withdrew from the assembly, and they who remained were glad to rid themselves of an unwelcome responsibility, by assenting to any nomination which might be proposed. Count Tilly took advantage of this; he was a man of notorious profligacy, who had acquired great wealth by the vilest means, but that wealth gave him great influence over the populace. He and his creatures mutually proposed each other to be members of the junta, or rather nominated themselves; and to give authority to the body, they added some of those persons who were most respected in the city, either for their reputed talents or the offices which they filled. Some members were thus included who deserved to be chosen, but the temper of the majority was ominously marked before they had been in power four-and-twenty hours. A man, by name Nicolas Tap y Nunez, had hitherto been the leader of the people; he came to Seville for the sole purpose of making the Sevillians declare against the French, and his success in this gave him great popularity, which he never abused even in the slightest instance. This man, being a stranger, knew nothing of the character of Tilly and his party, and therefore assented to their nomination; and for the same reason never attempted, which he might easily have done, to include himself in the junta. But having the next day been informed who the persons were who had intruded themselves as members of the new government, he went to the junta and required that two of these unworthy individuals should be expelled, as not having the good opinion of the people; the consequence was, that he himself was immediately arrested and hurried away to Cadiz, where he remained in prison during the whole reign of the central junta. It is almost as disgraceful for the people of Seville to have suffered this villainous act, as for the junta to have committed it.

Madrid being in the hands of the enemy, the other parts of the country looked to Seville for an example, and juntas in consequence were formed everywhere. But there was less of intrigue in their formation; those persons were appointed whom the people were accustomed to respect; and thus in every part of Spain the government was delivered, or rather fell into the hands of the provincial nobility and gentry, a set of men whom their total want of education, their prejudices, and all their previous habits, completely disqualified for the situation to which they were called. Among these were a few who had formerly been in office at Madrid; but whatever habits of business they had acquired were more than counterbalanced by the formalities which were acquired at the same time, and their attachment to the old routine and to the old abominations. Wherever, therefore, these statesmen of the old school were found, the juntas were worse than they would have been without them. In all these bodies there was a zealous love of their country, and a rooted detestation of the French; but these feelings were counteracted by their instinctive dread of revolution: that spirit by which alone the whole strength of the country could be brought forth, and talents called into action wherever they could

be found, the juntas laboured to suppress: a revolutionary government the Spaniards neither wished nor wanted, they had only to restore that which had been suspended,—but a revolutionary army was indispensable; and instead of this the new men proceeded upon the old system, giving commissions and commands, not to those who deserved them, but to their own friends, and relations, and dependents. There never can be a want of military talent in any country,—all that is wanting is to call it fairly into action.

The system of patronage produced in Spain the evils which it produces everywhere, but which, because of the circumstances of the country, were there more immediately pernicious. The love of power also infected the juntas; some of them passed decrees, conferring upon themselves the titles of excellencies and highnesses, and invented uniforms, which were as fine as that of a general officer. It had been well if this passion had shown itself only in the form of vanity. The powers with which they found themselves invested were neither limited in extent nor in duration: the people, in their unbounded confidence and ardent patriotism, never thought of proposing restrictions, and the juntas, when once in possession of power, thought only of making it as extensive as they could, and keeping it as long as they could. In spite of every disadvantage, however, the Spaniards were at first successful; but after the surrender of Dupont's army and the flight of the intruder from Madrid, the provincial juntas, instead of putting forth their utmost exertion to complete the deliverance of the country, became jealous of each other, and each to desire that the general good should be accomplished with as little inconvenience as possible on their part; and catching themselves the confidence into which a mistaken policy was endeavouring to persuade the people, they considered the end as certain, and neglected the means by which alone it could be attained. To us, at a distance from the scene of action, and necessarily unacquainted with the personages who were brought forward, the formation of the central junta seemed all that could be desired under such circumstances. The establishment of a general government was indeed of vital importance to the cause of Spain; but as the provincial juntas were unfit for the weighty duties which they were required to perform, this central body, being derived from them, was disqualified by the same causes; and in proportion as the authority intrusted to it was greater, its errors were the more pernicious.

But if there had been little probability of finding the requisite energy and talents in the provincial juntas, formed as they were by accident rather than selection, still less were these qualifications to be expected in the derivative body; for the great object of the provincial juntas being to retain their power, when they were called upon to chuse the members of the executive government, they wished to consider these members merely as their delegates. The junta of Valencia drew up secret instructions for their deputies, declaring that they were to follow the directions of their constituents, remain subject and obedient to them, communicate regularly with them, and in no instance depart from their opinion; and they reserved to themselves the power of taking cognizance of any breach of their instructions, and displacing the deputies at pleasure. These were the only secret instructions which have been made

public, and these are probably a fair specimen of the rest. It is known that those which the junta of Seville drew up were in the same tenor and in a worse spirit, for they directed the deputies expressly to restore the inquisition in full power, and not to touch the rents of the church. Had this system been observed, immediate anarchy must have ensued; but the self-constituted oligarchs who devised it were deceived, for no sooner were the members of the central junta installed, than they acted as was their duty as a sovereign, and not as a deputed body. But though the provincial juntas failed in their object, they produced permanent evil in attempting it; for in the hope of more effectually controlling their deputies, they deputed not the fittest members of their own body, but those whom they supposed would be most obedient, or whom they wished to be rid of. At Seville, the selection was notoriously made for this latter motive. Tilly and D. Vicente Hore were chosen; the latter had been a creature of Godoy's, and declined the charge, because if he had shown himself in Madrid, he knew his life would be in danger from the just indignation of the people. P. Gil de Sevilla, who was the moving intellect of the Seville junta, and ought, from his talents and popularity, to have acted more decisively than he did, procured the nomination of these men, because he was ashamed of such associates. A few of the members were appointed, because their rank and authority seemed to make the station their due, as in the case of Florida Blanca; in the single instance of Jovellanos the same deference was paid to the true nobility of virtue and wisdom.

Here, then, the inconsistency between the language and the actions of the central junta is explained. Jovellanos and his friends wrote for them, but they acted for themselves. They looked up to Florida Blanca, thinking that, as he had once been the prime minister of Spain, he was for that reason the fittest person to direct them: that very circumstance unfitted him for the times. He brought with him too much of the old leaven of formalities and delays; and he had not forgotten the maxims of arbitrary power in which he had been trained up, and by which he had governed. His name carried with it some popularity, because the administration of Godoy made any former minister be remembered with regret; and he was also, for his age and devotion, and the remembrance of his former power, a venerable object to the people. They were naturally affected at seeing an old man who had long bidden adieu to the world, and devoted himself to religious meditations, come from his retirement with the feelings of a Spaniard, and take upon himself, when his country was in danger, a burthen which could not fail to hasten him to the grave. His name and his presence were useful, as they influenced the people; but unhappily they influenced the junta also, and made them receive his opinions with a deference to which nature had given him no claim. The first wish of his heart was undoubtedly that of delivering his country from the invaders; the second would have been to have restored to a Bourbon king his power undiminished, with all the old establishments of popery and despotism in full preservation.

The majority of the members agreed but too well with the views of their president, though their motives were not perhaps in every case equally pure. One of their first edicts was

to prohibit the sale of property in mortmain, and to annul such sales as had already been made, but this it was found impossible to execute; another was to restore the old restrictions of the press, which had become free during the dissolution of the government. It is said, that one of the most enlightened members of the junta agreed, that the liberty of the press ought not to be established by the new government, because they had no power to alter any existing law. Jovellanos is probably meant: perhaps he wished to reserve this great measure for the cortes, as a boon which could not fail to render it popular; perhaps, too, he thought that, while the press was actively employed in keeping up the national spirit, the delay of acknowledging its freedom was no material injury, and the reason upon which he assented to that delay is consistent with his opinion of the power of the government to which he belonged. This opinion was expressed in a paper which he laid before the junta a few days before their installation, that he might discharge his conscience, he said, by delivering thus solemnly his sentiments upon the course which ought to be pursued. And lest it should be supposed that he was influenced by any views of ambition or of interest, he declared that it was his resolution never to accept, either in the junta or out of it, any appointment or office whatever, or to take any other advantage of the honourable trust which had been confided to him, than that of freely speaking whatever he thought best for the welfare of his country. This resolution, he said, arose from the melancholy sense of decay, both in his physical and intellectual powers, as well as from his natural and invincible repugnance to public life; that disposition he had once sacrificed, in obedience to a brother whom he reverenced like a father, and severely had he been punished for the sacrifice.—Thus modestly did this excellent man allude to the seven years imprisonment which he had suffered under the old despotism.

He then proceeded to examine upon what principle the power of the central government was formed, and how far it extended. "A right of insurrection," he said, "such as had been proclaimed by the French, was incompatible with the well being of society. That people, in the delirium of their revolution, laid down this right in a constitution which was made in a few days, contained in a few pages, and destroyed in a few months. But every people who found themselves suddenly attacked by a foreign enemy, and saw their own natural governors either betraying them, or acting under compulsion, acquired in such circumstances an extraordinary right of insurrection, growing out of the necessity of self-defence. This had been the state of Spain; the provincial juntas, therefore, in whatever manner they had been constituted, were lawful authorities; but they were not established to alter the constitution of the kingdom, nor abrogate its fundamental laws. The central junta, which, united in itself the authority of the provincial juntas, possessed that authority by the same right, and under the same restrictions; but any thing which should be done beyond those bounds would be unlawful. Their duty was to consult the laws of Spain, and see what provisions had been made for an emergency like the present. There it was appointed, that if at any time the sovereign should be prevented from exercising his functions, the cortes should be assembled

for the purpose of forming a regency, and even the mode of forming it was prescribed. The fundamental laws of Spain, therefore, prescribed to the junta the course which it ought to pursue; and if the pressure of immediate circumstances were such that the cortes could not directly be convoked, it ought to announce to the nation its determination of convening that assembly, and fix a time for the purpose." That time, Jovellanos thought, should be as soon as the enemy were driven out; but if unhappily this should not be effected within two years, then the cortes ought to meet on the first of October, 1810.

"But during this long interval, in what manner should the government be carried on? If the whole junta," Jovellanos said, "retained the executive power in their own hands as a collective body, there could be neither secresy, nor unanimity, nor dispatch; and if they appointed a regent, a single regent might soon become a tyrant: a council of regency, composed of few and select members, would have neither the inconvenience of one or the other, and therefore he advised that a regency should be appointed, consisting of five members, one of them being an ecclesiastic, and that they should hold their power till the meeting of the cortes. This course of proceeding was conformable to the partidas, and also to the intentions of Ferdinand, as expressed by D. Pedro Cevallos, and this it became the junta to follow; for by thus divesting themselves of a portion of their power, in conformity to the laws, they would give to Spain the most undoubted proof of their disinterested and zealous patriotism. If it should be thought proper to appoint Cardinal Bourbon one of the regency, it would be also proper that he should be perpetual president, otherwise the presidency should be held by each member in rotation for three months. Under this regency there should be five ministers,—of state, of finance, of justice, of war, and of the marine, and perhaps a sixth for the Indies. This government," he contended, "ought to begin its functions with the new year, and the central junta should then resign its authority; but a central junta of correspondence should be formed out of it, consisting of one member for each deputation, and this should be the medium of communication between the government and the provincial juntas, whose lawful authority was now terminated, but who, under the name of juntas of council and correspondence, ought to be continued, being reduced to four members each."

Jovellanos's advice was disregarded by his colleagues, and the events which speedily followed, when the tyrant himself entered Spain, were such, that it was long before the disasters of the day allowed them time to think of the morrow. It would be unjust to censure them for misfortunes which the ablest men, under such circumstances, could not have averted: had they obtained accurate intelligence of the strength and movements of the enemy; had they used the utmost exertions to discipline the new levies, and to supply the armies, it would not have been possible to have stopped the progress of such an overwhelming force. To have avoided pitched battles, and acted upon the system which the junta of Seville recommended, was the only means of lessening the evil: something is to be allowed to the confidence which the battle of Baylen had inspired, and to the enthusiasm of the people, which communicated itself to their rulers; but when the error was repeated at Me-

dellin and at Ocana; when, after the bitter experience of twelve whole months, no measures had been adopted for improving the discipline of the armies, or supplying them in the field, the incapacity of the government became glaring to all men. The disappointment of the nation was in proportion to their hopes, and the junta became equally the object of contempt and suspicion. Some of the members possessed large estates in those provinces which were occupied by the French, and it was suspected that where their property was, there their hearts were also. A government which enjoyed neither the confidence nor the respect of the people, was not likely to be well obeyed. The provincial juntas had been left upon their former footing, and between these bodies and the central junta there existed no cordiality; they could not forgive their deputies for having disregarded the instructions which were to have kept them in dependence; and the central junta considered the provincial ones as dangerous, because their authority originated in the people, and there was nothing which they dreaded so much as revolution. To the honour, however, both of the local and supreme authorities it must be said, that they cordially co-operated when they felt the necessity of co-operation; and it was by the alacrity with which the orders of the government were enforced that Cuesta's army was so rapidly re-established after the battle of Medellin.

The general wish in England was, to see the cortes assembled; and the necessity of convening it was urged as warmly and as sincerely by the English government, as by the most enlightened of the Spaniards themselves. The writers whose object it was to malign the motives of administration, and bring the ministers into hatred and contempt, affected to disbelieve this, and asserted that the interference of this country prevented those necessary reforms, by which alone Spain could be saved. It is, indeed, a mournful consideration, that the lessons of the French revolution have been equally disregarded by the government, and by the enemies of government: the work of sapping and mining is still carried on by journalists, and philosophists, and men who, being members of parliament, are called statesmen by the courtesy of England, as if they had forgotten what was the recompence of the sappers and miners in France; while, on the other hand, the government has possessed the power of regenerating a friendly country, and restoring it to its full strength, only by restoring its old constitution,—and that power has not been exerted. He who permits evils which he can prevent, is guilty of those evils; towards Sicily, the British government is guilty; and towards Portugal, bravely as we have defended, and bountifully as we have relieved it, it is to be feared that we are not altogether innocent. But no error of this kind has been committed in Spain. Ferdinand being in captivity, there was no court whose feelings and interests were to be consulted, as paramount to all other things: the Spaniards had to form a government, and the British ministers were sincerely desirous that they should form a good one. Their natural feelings, as freemen and as Englishmen, were not in this instance perverted by anti-jacobinism; the Beelzebub which had been invoked against a stronger but not a fouler fiend. Had the revolution assumed a republican

form, that spirit might perhaps have palsied the arm and withered the heart of * England.

Mr Stuart, our first authorised agent, pressed upon the juntas of Galicia and Asturias the importance of convoking the cortes. The first difficulty which he found, was respecting the place where it should assemble;—the Asturians proposed Oviedo; the Galicians, Villa Franca; every junta wishing that it should be near their own place of abode. But he soon found greater impediments; the provincial juntas were unwilling to part with their power; and when they listened to his advice, some of them wished to enlarge the deputation, so that all their own members might be deputed. The appointment of the central government removed these difficulties; and had the supreme junta followed the advice of Jovellanos, they would have obtained that popularity which the bare appearance of disinterestedness never fails to acquire. But love of the power which they were so ill able to wield, and the pleasure of the patronage which they so unworthily bestowed, blinded them; it was not till eight months after their installation that a tardy decree came forth, announcing that the legal representation of the monarchy should be re-established in its ancient cortes;—and then the time was left indefinite. It was to be convoked, the edict said, in the course of next year, or sooner, if circumstances permitted.

May 22. 1809.

Never, perhaps, was there a more Manichæan mixture than in this provisional government. The good principle predominated in the organ through which they spoke; the evil one, most frequently in those by which they acted. The language in which the resolution of assembling the cortes was declared, was frank and patriotic. "The Spanish people," it said, "must leave to their posterity an inheritance of prosperity and glory worthy of the exertions and sacrifices which were made to obtain it. The supreme junta had never lost sight of this object; and the progress of the enemy, which had hitherto occupied their whole attention, rendered more bitter the reflection, that all the disasters which the nation suffered were solely owing to the disuse of those salutary institutions which, in happier times, secured the welfare and the strength of the state. The usurping ambition of some, and the indolent abandonment of others, reduced those institutions to nothing; and the junta, from the moment of its installation, solemnly bound itself to restore them. The time was now arrived for taking this great work in hand, and considering the reforms which were to be made, grounded on the fundamental laws of the monarchy. Being desirous, therefore, that the Spanish nation should appear to the world with the dignity due to its heroic efforts; that the rights of the people should be placed beyond the reach of any fresh encroachments; and that the sources of public felicity should run freely as soon as the war ceased, and repair whatever inveterate arbitrary power had scorched, or the pre-

* "What might have been the decision of his majesty in respect to the establishment of more intimate relations with the Spanish government, if it had assumed a shape, and adopted principles, decidedly different from those of the ancient monarchy, is a question which it is fortunately not necessary to discuss."—*Mr Canning's Dispatch to Marquis Wellesley, 27th June*, 1809.

sent devastation had destroyed, the junta decreed, that the cortes should be re-established, and would immediately proceed to consider the method of convening it under existing circumstances; for which end it would nominate a committee of five of its members. It would also direct its investigations to these important objects, in order successively to propose them to the nation assembled in cortes; the means of supporting the holy war in which they were engaged; of insuring the observance of the fundamental laws; of ameliorating the legislation and abolishing the abuses which had crept into it; of collecting and administering the revenue, and of reforming the system of public education. And in order to combine the information necessary for such important discussions, it would consult the councils, provincial juntas, tribunals, magistracies, corporations, bishops, and universities, and ask the opinion of intelligent and enlightened persons."

There is nothing in this edict to which the truest lover of liberty could object; but a fuller and more animating declaration had been submitted to the junta, and was rejected by them at the instigation of Mr Frere. "Spaniards," said this eloquent paper, "it is three ages since the salutary laws on which the nation founded its defence against the efforts of tyranny have been destroyed. Our fathers did not know how to preserve the precious deposit of liberty which had been bequeathed to them; and although all the provinces of Spain successively struggled to defend it, our evil stars rendered their efforts useless. After having silenced reason and justice, the laws, from that time forward, have been only an expression more or less tyrannical, or more or less beneficent, of a particular will. Providence, as if to punish the loss of that beautiful prerogative of free men, has sentenced us to be unhappy, paralized our valour, arrested the progress of our intellect, and impeded our civilization, till we have come to that condition, that an insolent tyrant has formed the project of subduing the greatest nation of the globe, without reckoning upon its will, and even despising its existence. In vain has the best directed will of the prince sometimes attempted to remedy some of the evils of the state: buildings cannot be erected on sand, and without fundamental and constituted laws to defend the good already done, and to prevent the evil intended to be done, it is useless for the philosopher in his study, or the statesman in the theatre of business, to exert himself for the good of the people. The best combined projects are either not put in execution, or not carried through. Good suggestions are followed by evil ones; the spirit of economy and order, by prodigality and rapine; a prudent and mild minister, by an avaricious and foolish favourite; and thus, without an established and fixed principle, the ship of the state floats without sails and helm, till, as has happened to the Spanish monarchy, it is dashed to pieces on a rock. How, but by the re-establishment of the freedom of Spain, could those floods of blood be recompensed which flow in every corner of the peninsula; those sacrifices which Spanish loyalty is offering every instant; that moral resistance, as universal as it is sublime, which disconcerts our enemies, and renders them hopeless even in the midst of their victories? When this dreadful contest is concluded, the Spaniard shall say proudly to himself, 'My fathers left me slavery and wretched-

ness for my inheritance; I leave to my descendants liberty and glory.' Spaniards, this is the feeling which, by reflection in some, and by instinct in all, animates you now; and it shall not be defrauded of its expectations. We will take from our detractors every pretext for calumniating us; they say that we are fighting to defend our old abuses, and the inveterate and enormous vices of our corrupted government; but let them know that your struggle is for the happiness, as well as the independence of your country; that you do not wish to depend henceforward on the uncertain will or the variable temperament of a single man; to continue to be the plaything of a court without justice, under the controul of an insolent favourite, or a capricious woman; and that on the august edifice of your ancient laws you will rear an eternal barrier between despotism and your sacred rights. This barrier consists in a good constitution to aid and support the operations of the monarch when they are just, and to restrain them when he follows evil councils. Without a constitution all reform is precarious, all prosperity uncertain; without it, all the people are no more than flocks of slaves, put in motion at the order of a will, frequently unjust, and always unrestrained; without it, the forces of the whole society intended to procure the greatest advantages for all its members, are employed exclusively to satisfy the ambition, or satiate the phrenzy of a few, or perhaps of only one."

When this paper was communicated to Mr Frere, he saw very serious objections to it, which he stated to D. Martin de Garay, and which the junta, though they would otherwise have published the proclamation, readily admitted, because they accorded with their own dread of republicanism. This is the only instance in which the influence of Great Britain has given a wrong bias to the Spanish councils, and this was the act of the minister, not of the government; for the government was most anxious that the cortes should be convened, but the ambassador considered it a delicate and dangerous point in every respect, and said, "that if the decision of the question were left in his hand, notwithstanding the necessity there was for widening the basis of the government, the failure of all the political experiments which have been made in these latter times, and the impossibility which has been found (by a fatality peculiar to the present age, whose character is so different from the preceding ones) of forming a permanent establishment, even in affairs less essential than the formation of a free constitution for a great nation, would make him waver. But taking the decision for granted, he thought the manner in which it was proposed to announce it likely to produce bad effects in Spain; and he could venture," he said, "to assure D. Martin de Garay, that it would undoubtedly create them in England. If the Spaniards had indeed past three centuries under an arbitrary government, they ought not to forget that it was the price which they paid for having conquered and peopled the fairest portion of the world, and that the integrity of that immense power rested solely upon these two words, Religion and the King. If the old constitution had been lost by the conquest of America, the first object should be to recover it; but in such a manner as not to lose what had cost so much in the acquisition; and for this reason, they ought to avoid, as a political poison, every enunciation of general prin-

ciples, the application of which it would be impossible to limit or qualify, even when the Negroes and Indians should quote this in favour of themselves; and allowing that a bad exchange had been made in bartering the ancient national liberty for the glory and extension of the Spanish name; allowing that the nation had been deceived for three centuries, and that the error should at all hazards be immediately done away; even though it were so," Mr Frere said, "it did not appear very becoming the character of a well-educated person to pass censures upon the conduct of his forefathers, or to complain of what he may have lost by their negligence or prodigality, and still less so if it were done in the face of all the world; and what should be said of a nation who should do this publicly, and after mature deliberation?"

Sentiments like these would never have been conceived by Mr Frere, if he had not been bred up in the anti-jacobine school, or if he had fully outgrown the pernicious lessons which he had been taught there. In all other points he had acted well, and judged wisely; in this, a baneful prejudice warped his understanding. The change from one form of government to another must at all times be perilous, and can never be attempted without producing great immediate evil,—a heavy price, even if the ultimate good be certain. But the price had been paid in Spain; and though, perhaps, there never was a conjuncture when the prevalence of republican principles would have been more beneficial, there never was a country in which they were less likely to prevail. Mr Frere's fears were groundless, and his reasonings fallacious: he spoke to the Spaniards of religion and the king; in England the truest and most enlightened lovers of liberty can have no better rallying words; but in Spain these words have for three hundred years meant the inquisition and a despot, and the enlightened Spaniard, therefore, has as much reason to abhor them as we have to hold them in veneration.

The truths, to the avowal of which Mr Frere objected, were so notorious, that, had it not been for his remonstrances, the junta were ready to have proclaimed them; yet that body was as much disposed to repress principles that could be supposed to have the slightest tendency toward republicanism, as the old court, or the arch-tyrant Buonaparte himself. Two abominable edicts they had already issued, denouncing the punishment of death against all persons who should endeavour to raise distrust of the existing government, and try to overturn it by popular commotions; and they invited informers to denounce such persons to the tribunal of public safety, holding out to them the promise of secresy and reward. Mr Frere saw to what an atrocious system of tyranny such decrees might give rise. From the individual characters of the members of the junta, he felt assured that they would each have shrunk from carrying such measures into effect; but he knew how little, in their situation, the characters of any set of men were to be relied upon, and apprehended that, after some natural hesitation, they would have submitted to the guidance of one or two members, more violent and less scrupulous than the rest, or abandoned themselves to the direction of the tribunal of public safety, the name of which, he said, was sufficient to remind every one of the worst revolutionary horrors. But as the state papers of the junta on other occa-

sions were wiser than their actions, in this instance their conduct was better than their language. The worst act of oppression of which they were guilty, perhaps the only one, was that of suffering Tap y Nunez to remain in prison. This was originally the act of the junta of Seville; the central government, perhaps, never knew that he was in confinement, or even in existence; for such had long been the administration of justice in Spain, that a state prisoner might easily be forgotten there.

One of the weightiest errors for which the junta have been condemned, has been for not exerting themselves more effectually to bring the whole strength of the country against the invaders. They began by promising to raise 500,000 men in arms, and 50,000 cavalry. Granada was the only province which supplied its full proportion of the number, and Granada even exceeded it; its contingent was about 28,000, whereas it furnished nearly forty. But it is evident that this depended more upon the provincial juntas than the central government, whose decrees were of no avail in those parts of the country which the enemy possessed, and were ill observed in others, where the local administrations, from disgust, or jealousy, or indolence, or incapacity, seemed to look on as spectators of the dreadful drama, rather than to perform their parts in it, as men and as Spaniards. Neither is it to the want of numbers that the defeats of the Spaniards are to be attributed; there were at all times men enough in the field; arms, equipments, and discipline were wanting. It is unjust to judge of the exertions of the Spanish junta by those of the national convention in France, who had the whole wealth and strength of a populous and rich country at their absolute disposal, and who began the revolutionary war with officers, and tacticians, and statesmen capable of wielding the mighty means which were put into their hands. The junta relied too much upon number and bravery, and too little upon their fortresses. The general under whom the great captain Gonzalvo de Cordova learnt the art of war, had left them a lesson which they might profitably have remembered. He used to say, that fortresses ought to be opposed to the impatience and fury of the French, and that the place to station raw troops was behind walls and ramparts.

The most important errors which the junta committed were, the delay in convoking the cortes, their conduct towards Sir Arthur Wellesley's army, and the ruinous imprudence of risking offensive measures in La Mancha, after the retreat of the English. Unquestionably these were great errors, and the two latter, especially, grievous in their consequences; but it ought to be remembered, that the national character of the Spaniards contributed in no slight degree to all of them. For it was not the known aversion of Florida Blanca to the name of a representative assembly, nor the fears of some of the junta, nor the love of power in others, which protracted the convocation of the cortes, so much as their anxious and reverential adherence to established forms. This was evident in Jovellanos himself, who regarded it as equally profane and dangerous to approach this political ark of the covenant, without scrupulously observing all the ceremonies and solemnities which the law prescribed. Precedents on points of this kind are not to be found in Spain as they are in England. Antiquaries were to be consulted, ar-

chives examined, old regulations adapted to new circumstances,—and this when the enemy was at the gates. The defect may well be pardoned, because of the virtues with which it is connected. Had the Spaniards regarded with less veneration the deeds and the institutions of their ancestors, they would never have supported that glorious struggle, which will be the wonder of succeeding ages. Their conduct toward the English army sprung from a worse fault; from that pride which makes them so prone to impose upon others and upon themselves a false opinion of their strength. It is the national failing, for which they have ever been satirized, by their own writers as well as by other nations. They will rather promise and disappoint, than acknowledge their inability; of this, their history for the last two centuries affords abundant examples; they have yet to learn, that perfect sincerity is as much due to an ally as to a confessor. In many cases the government was itself deceived; the same false point of honour prevailing in every department, from the lowest to the highest, it received and acted upon exaggerated statements and calculations; but in others, it cannot be denied, that pride led to the last degree of meanness, and that promises were held out to the English general, which those who made them must have known that it was impossible to perform. The same cause has made them expose army after army in the open field, against troops infinitely superior in discipline and equipments; but it should not be forgotten, that this pride is akin to all that is noble in their character, and that their first successes, if they did not justify presumption, could hardly fail to produce it.

If these remarks be well founded, the errors of the central junta will be thought more attributable to the character of the nation, than of the individuals who composed the government. And it must be remembered, that those individuals were placed in circumstances of unexampled difficulty. They found themselves in Aranjuez, says D. J. M. Blanco, as if they had been dropt from the clouds. Four-and-thirty men, many, perhaps most of them, strangers to each other, and unaccustomed to public business, were brought together to govern a nation in the most perilous crisis of its history, without any thing to direct them except their own judgement, and almost without any other means than what the patriotism of the people could supply. They had troops indeed, but undisciplined, unofficered, unprovided, half armed, and half clothed. The old system of government was broken up, the new one was yet to be formed. They had neither commissariat nor treasury; the first donations and imposts were exhausted; so also were the supplies which England had so liberally given, and those from America had not yet arrived. Added to all these difficulties, and worse than all, was that dreadful state of moral and social anarchy, into which the nation had been thrown, and which was such that no man knew in whom he could confide. To poison food or water in time of war, is a practice which all people, who are not absolute savages, have pronounced infamous by common consent; but it is a light crime compared to the damnable means which Buonaparte employed for the subjugation of Spain,—means which poisoned the well-springs of social order, and loosened the very joints and fibres of society. Morla, when he betrayed his country, committed an act of treason

against human nature. The evil had been great before, but when a Judas Iscariot had been found in Morla during the agony of Spain, in whom could the people confide? "Suspicion," says Jovellanos, "and hatred against the most innocent citizens, were conceived and spread with the most frightful facility. How many generals, nobles, prelates, magistrates, and lawyers, were regarded with distrust, either because of their old relations with the infamous Godoy, or because they were connected with some of the new partizans of the tyranny; or for the weakness, or indecision, or ambiguity of their conduct; or for the calumnies and insinuations which, in these times of license and confusion, rivalship and envy excited against them! It was considered as a crime, or at least as a culpable weakness, to have gone to Bayonne, to have remained at Madrid, or resided in other places which were occupied by the intrusive government; to have submitted to swear allegiance to it, to have obeyed its orders, or to have suffered even compulsively its yoke and its contempt. What reputation was secure? who was not exposed to the attacks of envy, to the imputation of calumny, and to the violence of an agitated populace?"

From this state of things it necessarily arose, that the junta acted in constant fear and suspicion of those whom they employed. Their sense of weakness and their love of power increased the evil; fearing the high spirit of Alburquerque, and the influence which rank and talents conjoined would give to his unquestionable patriotism and his deserved popularity among the soldiers, they cramped him in a subordinate command, while they trusted those armies which were the hope of Spain to Cuesta, because they were afraid of offending him; and to Venegas, for the opposite reason, that they were sure of his obsequious submission; lastly, to Areizaga, who could not persuade them of his own incapacity, even after the battle of Ocana laid the southern kingdoms open to the enemy. Some odium they incurred by permitting a trade with towns which the enemy occupied; for the sake, as was alleged, of those Spaniards who were compelled to live under the yoke, and also for the advantage of the colonies, they granted licences for conveying sugar, cacao, and bark to these parts of the kingdom. *July* 14. These licences were only to 1809. be trusted to persons of known and approved patriotism, and who were likewise to be strictly watched, and liable to be searched upon any suspicion of their conveying papers to or from the enemy. The weakness and inconsistency of such a concession in such a war, as well as the obvious facility which it afforded to the treacherous practices of the French and their traitorous partizans, excited just reprehension, and at the close of the year the junta found it necessary to revoke their edict, acknowledging that, *Dec.* 28. in spite of all the precautions which had been enjoined, it was found prejudicial to the public safety. Some of the members were suspected of enhancing the price of necessaries for the army, by their own secret monopolies; others were said to be surrounded by worthless and venal instruments, through whom alone they were accessible. These imputations may have been ill-founded or exaggerated; certain, however, it is, that never had any government fewer friends. Men of the most opposite principles were equally disaffected toward it. They who dreaded any di-

minution of the regal authority, could not forgive its popular origin; they who aspired to lay the foundation of a new and happier order of things, were discontented, because the measures which were taken towards the reformation of the state were so slowly, and, as they deemed, so reluctantly adopted. Those wretches who were sold to France were the enemies of any government which resisted the usurpation, and those whose timid natures, or short-sighted selfishness, disposed them to submission, naturally regarded it with dislike, because it delayed the subjection of the country. Among the people, who were actuated by none of these feelings, it was sufficient to render the junta unpopular, that it was unfortunate; and never had any government fewer adherents, its very defendants had no confidence in its stability, and were ready to forsake it. The times rendered them suspicious; their own conduct and their power made them obnoxious to many; and their ill fortune, more than their errors, made them disliked by all.

Actuated by some of these motives, and perhaps in no little degree by jealousy, the junta of Seville were particularly hostile to the government, and a plan was formed in that city for overthrowing it: the members were to be seized, and some of the most obnoxious transported to Manilla in a ship which was prepared for the purpose. Some regiments had been gained over, and it is said even the guards of the junta; but as the persons who designed this revolution had for their direct object the good of Spain, they considered it a mark of confidence due to Great Britain to make the English ambassador acquainted with their purpose; for in fact, so far were the Spaniards from regarding the interference of Great Britain with jealousy, they were disappointed that such an ally did not interfere more frequently, and with more effect. Marquis Wellesley, he who, if Mr Whitbread has spoken truly, would, if opportunity should offer, take Spain and Portugal as Buonaparte had done, had now an opportunity of showing in what manner he thought himself bound to act by a government, which he knew to be weak, and which he suspected to be treacherous. At the very time that this foul accusation was brought against him in the British parliament, he gave to that government just so much information of the danger, as, without compromising the safety of any of the persons concerned, enabled the junta to prevent the intended insurrection.

The general wish was less for the convocation of the cortes, than for the establishment of a regency, from which more unanimity and more vigour was expected, than from the present motley and divided council. The people of Cadiz said the fate of Spain was in Marquis Wellesley's hands; that he ought to remove the junta, and establish an energetic government. Those persons who respected hereditary claims, would fain have had the Archbishop of Toledo appointed regent, as being the only Bourbon in the country; but he was a young man, of neither talents nor character; and what weighed against him more than the want of both was, that he was believed to be governed by his sister, the wife of Godoy. Others looked to Romana, knowing his dislike to the junta, and hoping that he would displace them, and assume the government himself, or intrust it to able hands. It is said, that if the projected overthrow had been effected,

both these personages were to have been declared regents, with the Duke del Infantado, and two other colleagues. The warning, and the representations which accompanied it, were not lost upon the junta; they knew their own weakness, and perceived their danger; admitted that the existing government was not suited to the state of affairs, and nominated a commission for the purpose of inquiring in what manner it might most advantageously be replaced. Romana was included in the commission, and upon this occasion the marquis delivered to them a paper, which, if they had required additional proof of his hostility, and their own unstable tenure, would amply have afforded it. "There were three cases," he said, "either of which ought to produce a change in the system of a government: When a nation, which ought only to obey, doubts the legitimacy of the authority to which it is to submit; when such authority begins to lose its influence; when it is not only prejudicial to the public weal, but is contrary to the principles of the constitution. The existing government was objectionable upon all these grounds: it was founded upon a democratic principle of representation; which, instead of representing the king, typified a sovereign people, which was inconsistent with the pure monarchical system of Spain, and with the heroic loyalty of the Spaniards, and which, if it continued, would subvert the monarchy. As often as he meditated upon this subject," Romana said, "he doubted the lawfulness of the existing government; many learned men doubted it also, and this opinion was very general in the different provinces through which he had past." This was an ominous beginning; but though the remainder of the paper spoke with bitter severity of the conduct of the central junta, it was much more honourable to its distinguished author, than if it had been consistent with the principles which he had thus laid down; the patriotism and good sense of Romana prevailing practically over the prejudices in which he had been trained up, and which he regarded with a superstitious reverence. "Among the services," he said, "which he had endeavoured to perform for his king and country, it was not the least that he had yielded a blind obedience to the orders of this government, and made the constituted authorities in Leon, Asturias, and Gallicia do the same; considering them as absolutely necessary to preserve the nation from anarchy. A government, though illegal, might make the happiness of the people, if it deserved their confidence, and they respected its authority; but the existing government had lost its authority. It began by promising to support an army of 500,000 foot, and 50,000 horse; to give an exact account of the public expenditure; to make those wholesome reforms which were so grievously needed in every branch of administration; and, finally, to devote itself with the utmost zeal to the labour of forming a constitution, which should secure the happiness of the monarchy, according to the expressed will of their good, but unfortunate King Ferdinand VII. But," said Romana, "the people, who judge of their measures by the effects which they see produced, complain that our armies are weak for want of energy in the government; that no care has been taken for supplying them with food and other stores, which are indispensable for the brave defenders of the country; that they have not seen the

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promised accounts of the public expenditure, and are yet ignorant how the sums which have arrived from America, those which our generous allies have given, the rents of the crown, and the voluntary contributions, which have done so much honour to Spanish patriotism, have been expended: they look in vain for the necessary reforms; they see that employments are not given to men of true merit, and true lovers of their country; that some members of this respectable body, instead of manifesting their desire of the public good, by a generous disinterestedness, seek to preserve their authority for their own advantage; that others confer lucrative and honourable employments on their own dependents and countrymen; that for this sole reason some ecclesiastical offices have been filled up, the rents of which ought to have been applied to the necessities of the state; that that unity which is so necessary in the government, is not to be found there, many of the junta caring only for the interests of their particular provinces, as if they were members of some body different from that of the Spanish monarchy; that they had not only confirmed the military appointments made by the provincial juntas, without examining the capacity, merit, and fidelity of the persons appointed, to the general disgust of the army, but had even assigned recompences to many who were destitute of all military knowledge, having never seen service, nor performed any of those duties which were confided to them; that the junta, divided into sections, dispatched business in matters altogether foreign to their profession, and in which they were utterly unversed, instead of referring them to the competent and appropriate ministers; that many horses taken from their owners, instead of being sent to the armies, were dying for hunger on the dry sea-marshes; finally, that many of the most important branches of administration were in the hands of men, suspicious, because of their conduct from the commencement of the public misfortunes, and because they were the creatures of that infamous favourite, who had been the author of all the general misery. Such," said Romana, "are the complaints of the people, and their opinions, which cannot easily be removed, must produce the decline of the authority of the existing government: there is but one step to disobedience; the enemy will profit by the first convulsion, and anarchy or servitude will then be the alternative."

The marquis then stated, that the time for which the provinces had appointed their representatives to the junta was expired; that other provinces had empowered them not to exercise the sovereign authority, but to constitute a government which might represent the monarch: in neither case could these provinces be expected to acknowledge an authority in the junta which they had never conferred. The commission, he proceeded to say, had proposed a new plan of government, which was, that the junta should reduce itself to five persons, in whom the executive power should be vested; that in rotation each of the members of the existing body should enter into the supreme executive council, which should also preside over the cortes when it was assembled.—This project discovers the love of power in the junta more unequivocally than any other part of their conduct. What Romana proposed in its stead was as prudent in itself as it was inconsistent with his previous positions. After maintaining that the

powers of the existing government were from the first illegal, and that even such as they were, they had, for part of the members, expired, he recommended nevertheless that this government should, as representing legitimately or illegitimately the cortes, appoint a regent, or a council of regency, consisting of three or of five persons, especially advising, as a proof of generosity and patriotism, that they should nominate none of their own body. A junta should be formed, under the title of the Permanent Deputation of the Realm, to represent the cortes till the cortes could be assembled; it should consist of five members and a procurador-general, and one of these members should always be chosen from their American brethren, as forming an integral part of the nation, and legitimate children of the same family. But the cortes should be assembled with as little delay as circumstances would permit, and then no laws should be passed, or contributions imposed, without its consent. "If," said he, "I have in some cases connected the supreme power with the nation, I have done no more than revive the constitutional principles of the Spanish monarchy, which aggrandized its power, and which have been stifled by the despotism of its kings and their ministers." However hostile to the principles of civil liberty the first positions of Marquis Romana may have appeared, the most zealous friends of freedom might have been contented with his conclusions.

"Ought we," said he, "to fear that an adventurer, who usurps the throne of our beloved Ferdinand, should appear among us, if we had a government like this, emanating from the consent of the people, from submission to the true God, and from the necessity of our mournful and perilous situation? Would our armies then be equally defective in numbers, and in subordination and discipline? would they be so filled with ignorant and cowardly officers, so unprovided with food, so irregularly paid, and so destitute of all equipments? would men be appointed generals, because they would support the persons who appointed them, or because they knew how to command an army and how to save the country? With such a government, the nation would have invincible armies, the armies would have generals, the troops would be officered, and the soldiers would learn subordination and discipline. When Spain shall see that auspicious day, I shall think it the first day of her hope, and the most happy of her glorious revolution. Such," he continued, "is my opinion; but I ought not to forget that I have publicly controverted it by my actions. For who sustained your sovereign authority in the army and province which I governed? Gallicia, thou whose misfortunes, produced by a terrible invasion, carried me into the midst of thy heroic fidelity, whom didst thou obey? Didst thou respect in me any power but that of the central junta, or did I consent that thou shouldst separate thyself from a government which I was sanctioning by my own obedience? Asturias, didst not thou see the powerful arm upraised which thou hadst implored so earnestly, and the blow of its power fall upon a junta, which, after having acknowledged the sovereignty of the central, and received from it succours, of which my soldiers, naked and exhausted, were in want, domineered like a despot, and had even disobeyed the express will of our king, D. Ferdinand? Nevertheless," said he, ad-

dressing the central junta, "you rewarded this scandalous disobedience, whose progress I, though with excessive moderation, had cut short; and in fine, you removed me covertly from the command, in order that guilty Spaniards might be honoured with the greater distinction. My opinions were the same then that they are now; but circumstances imperiously required a government, and any government is better than none. Then it was my duty to obey; now I should not perform what is due to my character, if I did not declare what I believe to be required for the salvation of my country. How indeed should I be silent; how should I suffer the divine fire of patriotism to be extinguished, seeing the sacrifice of so many victims in our glorious cause, so many faithful spouses murdered with their chaste and beloved daughters, after the most foul and unutterable outrages; nuns driven from their cloisters, some wandering about, many more the prey of lustful impiety;—so many ministers of the altar forced from the sanctuary, and the temples turned into stables and dens of uncleanness;—towns reduced to servitude; opulence to squalid beggary;—so many thousands of brave Spaniards capable of consoling our country, yet by their fatal indiscipline serving only to augment our evils;—armies composed of the bravest spirits of the nation, which have disappeared in the hottest struggles of their native land, consumed by hunger, naked, and destitute; seeing, in fine, that such revenues and the liberal donations of Spain and America have not even supplied the first necessities of the soldier? How could I lose sight of the lot of twelve millions of people, who must either be the slaves of the worst of tyrants, or the children of the beloved and just Ferdinand? how could I remain a tranquil spectator of such great and mournful objects, and not think them superior to the nearest personal interest, to our self-love, and to our very existence? As a Spaniard," he concluded, "I am ready to suffer a thousand deaths in defence of our liberty, and in my rank I have rendered homage to the descendant of the Pelayos, the Jaymes, and the Garcias. As a general, I will join myself to the last soldier who shall have resolution to revenge his country in the last period of her independence; and as a representative of the nation, I must be excused from occupying that distinguished place, unless a legitimate government be immediately established, which foreign powers will not hesitate to acknowledge, which will represent our beloved sovereign, and which will save a people who are resolved to die for their God, for their king, and for the happiness of their posterity."

It is a sufficient proof of the full political freedom of the Spanish press at this juncture, that such a paper as this should have appeared, being little short of a declaration of hostility against the existing government. Fortunately for the junta, the high monarchical principles with which Romana began his manifesto displeased the democratic party, and the glaring inconsistency of his arguments weakened the effect which his authority might otherwise have produced. The government felt the necessity of doing something to conciliate the nation, and they determined to convoke the cortes, a resolution which was announced in that manly and dignified strain by which all their addresses to the people are so eminently marked.

In this paper, without directly referring to Romana's charges, they replied to them. "Spaniards," said they, "it has seemed good to Providence that in this terrible crisis you should not be able to advance one step towards independence, without advancing one likewise toward liberty. An imbecile and decrepit despotism, in order to rivet your fetters and render your chains heavier, prepared the way for French despotism, which, with the terrific display of its arms and its victories, aspired to place you under its hateful yoke of iron. Its political impostors thought to deceive you by promising reforms, and announcing, in a constitution framed at their pleasure, the empire of the laws,—a barbarous and absurd contradiction, worthy of their insolence. But the Spanish people, who were the first among modern nations to recognize the true principles of the social equilibrium, that people which before any other enjoyed the prerogatives and advantages of civil liberty, and opposed to arbitrary power the eternal barrier which justice has appointed, need borrow from no other nation the maxims of political prudence, and has told these impudent legislators, that the artifices of intriguers and the mandates of tyrants are not laws for them. Animated with these feelings, and exalted with indignation, you ran to arms; and fortune, subdued by your enthusiasm, rendered homage to you, and bestowed on you victory in reward for your ardour. The immediate effect of these first advantages was the reunion of the state, which was at that time divided into as many factions as provinces. Our enemies thought they had sown among us the deadly seed of anarchy, and did not remember that Spanish judgement and circumspection are always superior to French intrigue. A supreme authority was established without contradiction and without violence; and the people, after having astonished the world with the spectacle of their sublime exaltation and their victories, filled it with admiration and respect by their moderation and discretion.

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"The central junta was installed, and its first care was to announce, that if the expulsion of the enemy was the first object of its attention in point of time, the internal and permanent welfare of the state was the principal in importance; for to leave it sunk in the sea of old abuses, would be a crime as enormous as to deliver you into the hands of Buonaparte; therefore, as soon as the whirlwind of war permitted it, it resounded in your ears the name of the cortes, which for us has ever been the bulwark of civil freedom, and the throne of the national majesty: a name heretofore pronounced with mystery by the learned, with distrust by politicians, and with horror by tyrants; but which henceforth in Spain will be the indestructible basis of the monarchy, the most secure support of the rights of Ferdinand and his family, a right for the people, and an obligation for the government. That moral resistance, as general as sublime, which has reduced our enemies to confusion and despair in the midst of their victories, must not receive less reward. Those battles which are lost, those armies which are destroyed, not without producing new battles, creating new armies, and again displaying the standard of loyalty on the ashes and ruins which the enemies abandon; those soldiers who, dispersed in one action, return to offer themselves for another; that populace which, despoiled of almost all they possessed, returned to

their homes to share the wretched remains of their property with the defenders of their country; that concert of lamentable and despairing groans and patriotic songs; that struggle, in fine, of ferocity and barbarity on the one hand, and of resistance and invincible constancy on the other, present a whole as terrible as magnificent, which Europe contemplates with astonishment, and which history will one day record in letters of gold, for the admiration and example of posterity. A people so magnanimous and generous ought only to be governed by laws which are truly such, and which shall bear the great character of public consent and common utility,—a character which they can only receive by emanating from the august assembly which has been announced to you."

This paper may be considered as the official defence or apology of the junta, and it betrays that undue desire of retaining their power, which, though not their only error, was the only one which exclusively proceeded from selfish considerations. "It had been recommended," they said, "that the existing government should be converted into a regency of three or of five persons, and this opinion was supported by the application of an ancient law to our present situation; but that situation is singular in our history, and could not be foreseen in our institutions. A political position which is entirely new, occasions political forms and principles absolutely new also. To expel the French, to restore to his liberty and his throne our adored king, and to establish solid and permanent bases of good government, are the maxims which gave the impulse to our revolution, are those which support and direct it; and that government will be the best which shall most promote and fulfil these three wishes of the Spanish nation. Does the regency, of which that law speaks, promise us this security? What inconveniencies, what dangers, how many divisions, how many parties, how many ambitious pretensions within and without the kingdom; how much, and how just, discontent in our Americas, now called to have a share in the present government? What would become of our cortes, our liberty, the cheering prospects of future welfare and glory which now present themselves? What would become of the object most valuable and dear to the Spanish nation—the preservation of the rights of Ferdinand? The advocates for this institution ought to shudder at the immense danger to which they expose them, and to bear in mind that they afford to the tyrant a new opportunity of buying and selling them. Let us bow with reverence to the venerable antiquity of the law; but let us profit by the experience of ages. Let us open our annals and trace the history of our regencies. What shall we find?—a picture equally melancholy and frightful, of desolation, of civil war, of rapine, and of human degradation, in unfortunate Castile."

The weakness of this reasoning proved how lamentably the love of power had blinded those from whom it proceeded. The junta wished to evade the law of the Partidas, because it did not specify a case which it could not possibly have contemplated, though the law itself was perfectly and directly relevant. They assumed it as a certain consequence of a regency, that the colonies would be disgusted; that the cortes would not be convoked; that the rights of Ferdinand would be disregarded; and that new opportunities of corruption would be

afforded to France; and they forgot to ask themselves what reason there could be for apprehending all or any of these dangers, more from a council of regency than from their own body. Even Romana's manifesto contained nothing more flagrantly illogical than this. Having thus endeavoured to set aside this project by alarming the nation, they admitted that the executive power ought to be lodged in fewer hands, and said, that with that prudent circumspection, which neither exposed the state to the oscillations consequent upon every change of government, nor sensibly altered the unity of the body which it was intrusted with, they had concentrated their own authority; and that from this time those measures which required dispatch, secresy, and energy, would be directed by a section formed of six members, holding their office for a time.

The remainder of the manifesto was in a worthier strain. "Another opinion," they said, "which objected to a regency, objected also to the cortes as an insufficient representation, if convoked according to the ancient forms; as ill-timed, and perhaps perilous in the existing circumstances; and in fine as useless, because the provincial juntas, which had been immediately erected by the people, were their true representatives; but as the government had already publicly declared that it would adapt the cortes, in its numbers, forms, and classes, to the present state of things, any objection drawn from the inadequacy of the ancient forms was malicious, as well as inapplicable. Yes, Spaniards," said they, "you are going to have your cortes, and the national representation will be as perfect and full as it can and ought to be, in an assembly of such importance and eminent dignity. You are going to have your cortes, and to have it immediately, because the urgent situation in which the nation is placed imperiously demands it; and at what time, gracious God! can it adopt this measure better than at present? when an obstinate war has exhausted all the ordinary means, when the selfishness of some, and the ambition of others, debilitate and paralyse the efforts of the government by their opposition or indifference; when they seek to destroy from its foundations the essential principle of the monarchy, which is union; when the hydra of federalism, so happily silenced the preceding year by the creation of the central power, dares again to raise its poisonous heads, and endeavour to precipitate us into anarchy; when the subtlety of our enemies is watching the moment when our divisions disunite us, to destroy the state, and to erect their throne on the ruins which our distractions afford them; this is the time, then, to collect in one point the national dignity and power, and when the Spanish people may vote and decree the extraordinary resources which a powerful nation ever has within it for its salvation; that alone can encounter and put them in motion; that alone can encourage the timidity of some, and restrain the ambition of others; that alone will suppress importunate vanity, puerile pretensions, and infuriated passions, which, unless prevented, go to tear in pieces the government. It will, in fine, give to Europe a fresh example of its religion, its circumspection, and its discretion, in the just and moderate use which it is about to make of the glorious liberty in which it is constituted. Thus it is that the supreme junta, which immediately recognised this national representation as a right, and proclaimed it as a re-

ward, now invokes and implores it as the most necessary and efficacious remedy; and has therefore resolved that the general cortes of the monarchy, announced in the decree of the 22d of May, shall be convoked on the first day of January in the next year, in order to enter on their august functions the first day of March following. When that happy day has arrived, the junta will say to the representatives of the nation—

"Ye are met together, O fathers of your country! and re-established in all the plenitude of your rights, after a lapse of three centuries. The aggressions which we have suffered and the war which we maintain, are the fruits of the most shameful oppression and the most unjust tyranny. The provincial juntas who were able to resist and repulse the enemy in the first impetus of his invasion, invested the supreme junta with the sovereign authority, which they exercised for a time to give unity to the state, and concentrate its power. Called to the exercise of this authority, not by ambition or intrigue, but by the unanimous voice of the provinces of the kingdom, the individuals of the supreme junta showed themselves worthy of the high confidence reposed in them, by employing all their vigilance and exertions for the preservation and prosperity of the state. When the power was placed in our hands, our armies, half formed, were destitute of every thing; our treasury was empty, and our resources uncertain and distant. The despot of France poured upon the peninsula the military power under his command, the most formidable that has been known in the world. His veteran legions, better provided, and above all more numerous, rushed on every side against our armies, who were totally without discipline or confidence. A new inundation of barbarians, who carried desolation through all the provinces of which they took possession, was the consequence, and the ill-closed wounds of our unfortunate country were again opened, and poured forth blood in torrents. The state thus lost half its forces, and when the junta took refuge in Andalusia, a division of 30,000 men repaired to the walls of Zaragoza, to bury themselves in its ruins. The army of the centre, being thus deprived of a great part of its strength, did not give to its operations that activity and energy which would have had very different results from those of the battle of Ucles. The passes of the Sierra Morena and the banks of the Tagus were only defended by ill-armed handfuls of men, which could not be called armies. The junta rendered them so: routed and dispersed in the two battles of Ciudad Real and Medellin, instead of despairing of the country, they redoubled their efforts, and in a few days collected and opposed to the enemy 70,000 infantry and 12,000 cavalry. These forces have since fought, it is true, with ill success, but always with gallantry and glory. The creation, the reparation, and the subsistence of these armies, have more than absorbed the considerable supplies which have been sent us by our brethren in America. We have maintained in the free provinces unity, order, and justice; and in those occupied by the enemy, we have exerted our endeavours to preserve, though secretly, the fire of patriotism, and the bonds of loyalty. We have vindicated the national honour and independence in the most complicated and difficult diplomatic negociations; and we have made head against adversity, ever trusting that we should overcome it by our constancy. We

have, without doubt, committed errors, and we would willingly, were it possible, redeem them with our blood; but in the confusion of events, among the mountains of difficulties which surrounded us, who could be certain of always being in the right? Could we be responsible, because one body of troops wanted valour and another confidence; because one general had less prudence and another less good fortune? Much, Spaniards, is to be attributed to your inexperience, much to circumstances, but nothing to our intention; that ever has been to deliver our unfortunate king from slavery, to preserve to him a throne for which the Spanish people has made such sacrifices, and to maintain it free, independent, and happy. We have, from the time of our institution, promised him a country; we have decreed the abolition of arbitrary power from the time we announced the re-establishment of our cortes. Such is, O Spaniards! the use we have made of the unlimited power and authority confided to us; and when your wisdom shall have established the basis and form of government most proper for the independence and good of the state, we will resign the authority into the hands you shall point out, contented with the glory of having given to the Spaniards the dignity of a nation legitimately constituted. Raise yourselves, noble fathers of the country, to the elevation of your high duties, and Spain, exalted with you to an equally brilliant destiny, shall see returned into her bosom, for her happiness, Ferdinand VII. and his unfortunate family; shall see her sons enter on the path of prosperity and glory, which they ought henceforth to pursue, and receive the crown of the sublime and almost divine efforts which they are making."

Injudicious as the junta were, in wishing to retain their authority when they had lost the confidence of the nation, it must never be forgotten, that they always addressed themselves to the noblest feelings of the people; that, in the midst of their reverses, they never failed to hold the language of hope and of the loftiest fortitude; and that all their papers breathed a spirit worthy of the best ages of Greece or Rome. The last, and perhaps the most splendid of these orations, was issued after the peace with Austria left Buonaparte at leisure to direct his whole force against Spain, and after their main army had been wrecked at Ocana. "Our enemies," said they, "exultingly exhort us to submit to the clemency of the conqueror. Because in their own degraded hearts they find nothing but baseness when they are weak, and atrocity when they are strong, they imagine that the Spaniards must abandon all their lofty hopes. Who has told them that our virtue is of so low a standard? Does fortune oppose to us greater obstacles? we will redouble our exertions: Are our toils and dangers augmented? we shall acquire the greater glory. No, slaves of Buonaparte, waste not time in vain sophistries which can deceive no one; speak frankly and say, we will be the most wicked of men, because we believe ourselves the most powerful: this language is consistent and intelligible; but do not attempt to persuade us that the abandonment of our rights is wisdom, and that cowardice is prudence.—Submit? do these sophists know what they advise the most high-minded nation upon earth? It would be a stain without example in our annals, if, after such admirable efforts, such incredible events, we were to fall at the feet of the crowned slave

who has been sent to us as king. And for what? That from the midst of his impious banquets, his ruffian parasites, and his prostitutes, he may point out the temples which are to be burnt; the estates which are to be divided among his hateful satellites; the virgins and matrons who are to be taken to his seraglio; the youths who are to be sent as the tribute to the Minotaur of France.

"Spaniards, think not that the junta speak thus to excite you by the arts of language; what need of words, when the actual things speak for themselves with such powerful energy? Your houses are destroyed; your temples demolished; your fields laid waste; your families dispersed and wandering through the country, or hurried into the grave. Have we made so many sacrifices, have the flames of war consumed half Spain, that we should shamefully abandon the other half to the far more deadly peace which the enemy prepares for it? For no one will beguile himself with the insidious parade of the improvements which the French hold out. The Tartar who commands them has decreed, that Spain shall have neither industry, nor commerce, nor population, nor political representation whatever:—to be made a waste and solitary sheep-walk for supplying French manufactures with our precious wools; to become a nursery of men destined to be hurried away to the slaughter; misery, ruin, and degradation, in all parts of the peninsula; such is the destiny which he would impose upon the most highly favoured of all countries! Shall we then, submitting to these, submit also to the destruction of our holy religion; abandon the interests of heaven and the faith of our fathers to the sacrilegious mockery of these frantic banditti; and forsake the sanctuary which, during seven centuries, and in a thousand and a thousand battles, our fathers maintained against the impious Saracens? If we should do this, the victims who perished in that memorable contest would cry to us from their graves, Ungrateful and perfidious race, shall our sacrifices be in vain, and is our blood of no estimation in your eyes?—No, patriots! rest in peace, and let not that bitter thought disturb the quiet of your sepulchres.

"There is no peace; there can be none in this state of things. That Spain may be free, is the universal wish of the nation; and if that cannot be obtained, at least it may become one immense desart, one wide grave, where the accumulated carcases of French and Spaniards may exhibit to future ages our glory and their shame. But fortune is not so inimical to virtue as to leave to its defenders only this melancholy termination. It is written in heaven, and the history of all ages attests it, that a people who decidedly love their liberty and independence must ultimately establish them, in despite of all the artifice and all the violence of tyranny. Victory, which is so often a gift of fortune, is sooner or later the reward of constancy. What defended the little republic of Greece from the barbarous invasion of Xerxes? What reconstructed the Capitol when it was almost destroyed by the Gauls? What preserved it from the mighty arms of Hannibal? What, in times nearer our own, protected the Swiss from German tyranny, and gave independence to Holland in spite of the power of our ancestors? Spaniards, the junta announces to you frankly what has happened in the continent, because it would not have you

ignorant for a moment of the new danger which threatens the country; they announce it to you with confidence, that instead of being dismayed, as our enemies presume, you will collect new strength, and show yourselves more worthy of the cause which you defend, and of the admiration of the universe; they announce it to you, because they know that the unanimous determination of the Spaniards is to be free at whatever cost, and all means however violent, all resources however extraordinary, all funds however privileged, must be called out to repel the enemy. The ship's treasures must be thrown overboard to lighten her in the tempest and save her from shipwreck. Our country is sinking;—strength, riches, life, wisdom, council,—whatever we have is hers; and can we hesitate a moment to lay all at her feet for her salvation and her glory? The victory is ours, if we carry on to the end of our enterprize the sublime enthusiasm with which it began. The colossal mass with which we must resist the enemy, must be composed of the strength of all, and the sacrifices of all; and then what will it import that he pours upon us anew the legions which are now superfluous in Germany, or the swarm of conscripts which he is about to drag from France? We began the contest with 80,000 men less; he began it with 200,000 more. Let him replace them if he can; let him send or bring them to this region of death, as destructive to the oppressors as to the oppressed. Adding to the experience of two campaigns the strength of despair and of fury, we will give to their phalanxes of banditti the same fate which their predecessors have experienced; and the earth, fattened with their blood, shall return to us with usury the fruits of which they have deprived us. Let the monarchs of the north, forgetful of what they are, and of what they are capable, submit to be the slaves of this new Tamerlane; let them purchase at such a price the tranquillity of a moment, till it comes to their turn to be devoured. What is it to us, who are a mighty people, and resolved to perish or to triumph? Did we ask their consent when, twenty months ago, we raised our arms against the tyrant? Did we not enter into the contest alone? Did we not carry it on for a campaign alone? Nothing which is necessary for our defence is wanting. Our connection is daily drawn closer with America, to whose assistance, as timely as it was generous, the mother country is so deeply indebted, and on whose zeal and loyalty a great part of our hope is founded. The alliance which we have formed with Great Britain continues and will continue; that nation has lavished for us its blood and its treasures, and is entitled to our gratitude and that of future ages. Let, then, the machinations of intrigue, or the suggestions of fear, prevail with weak governments and misled cabinets; let them, if they will, conclude treaties, illusory on the part of him who grants, and disgraceful on the part of those who accept them; let those great potentates, if they will, relinquish the common cause of civilized nations, and inhumanly abandon their allies. The people,—the Spanish people,—will stand alone and erect amid the ruins of the European continent. Here is drawn, never to be sheathed, the sword of hatred against the execrable tyrant; here is raised, never to be beaten down, the standard of independence and of justice! Hasten to it all ye in Europe who will not live under the abominable yoke; ye who will

not enter into a league with iniquity; ye who are indignant at the fatal and cowardly desertion of these deluded princes, come to us! here the valiant shall find opportunities of acquiring true honour; the wise and the virtuous shall obtain respect; the afflicted shall have an asylum. Our cause is the same; the same shall be our reward. Come! and, in despite of all the arts and all the power of this inhuman despot, you shall see that we will render his star dim, and form for ourselves our own destiny."

Two things are remarkable in this paper; the total change, or rather restoration of public feeling, which must have been effected, before a Spanish government would hold up the resistance of the Dutch to Philip as a glorious example to the Spanish people; and the lamentable want of foresight and information in the junta, who could not only rely upon the attachment of the colonies, but even venture to declare, that the hopes of the country rested in great measure upon them. Yet, in summing up the merits and demerits of their administration, if there be found something to condemn and much to regret, there is assuredly much to be applauded. Spain will one day excuse their errors, do justice to their intentions, and remember with gratitude, that of all her governments, this was the first which addressed the Spaniards as a free people; and, though it may be said to have echoed the language of the nation, the first that sanctioned those constitutional principles of liberty which had so long been suppressed. It was to be expected, when such momentous interests were at stake, that their errors would be judged of rather by their consequences than their causes; an unsuccessful administration is always unpopular, and in suspicious times, if the affairs of the state go ill, what is the effect of misconduct, or weakness, or inevitable misfortune, is readily imputed to deliberate treason. Such an opinion prevailed very generally against the junta; but when their power was at an end, and nothing would have gratified the people more than the detection and punishment of the guilty, not even the shadow of proof could be found against them. They were inexperienced in business, they had been trained up in prejudice, and they partook, as was to be expected, of the defects of the national character; but they partook of its virtues also, and their generous feelings, their high spirit and unshaken fortitude, may command an Englishman's respect, if it be contrasted, not merely with the abject baseness of the continental courts, but with the recorded sentiments of that party in our own state, who have omitted no means of dispiriting and disgusting the Spaniards. We have had abundant cause to be grateful to Providence in these latter times, but never have we had greater cause than for escaping the imminent danger of having these men for our rulers. Incapable of feeling generously, and therefore incapable of acting wisely, they would have deserted the last, the truest, the only worthy allies of a free people; they would have betrayed the last, the only hope of Europe and of the world; they would have sacrificed our honour first, and when they had brought home the war to our own doors, which inevitably their measures must have done, the lasting infamy which their imbecility and cowardice had entailed upon the country, would have been a worse evil than the dreadful and perilous trial through which she would have had to pass.

CHAP. XII.

The French cross the Sierra Morena, and obtain Possession of Andalusia. Tumults at Seville. Appointment of a Regency. Alburquerque's Retreat. Siege of Cadiz. Attempt to deliver Ferdinand.

THE government obtained a few addresses, thanking them for having convoked the cortes, which, it was said, like an elixir of life, would revivify the social body to its very extremities, and congratulating them upon their triumph over internal divisions, and over those who would so hastily and inopportunely have established a regency. But these congratulations were as premature as the triumph was short lived. They thought it necessary for their safety to imprison the Count de Montijo, and D. Francisco Palafox, who was one of their own members, and whose name, as brother to the defender of Zaragoza, would have been deservedly popular throughout Spain, if he had possessed any qualities which could render it respectable. Romana's declaration against them was not the only symptom that they had lost the confidence of the army, as well as of the nation. Count de Norona, who commanded in Gallicia, being superseded, addressed a proclamation to the Gallicians, telling them, "they must now perceive that the country was in danger, and that for his part he had given up all dependance upon the existing government. I have been unceasing in my applications," said he, "not only for money but for arms, and to none of them have I received the slightest answer; on the contrary, they seem to have given offence. Under these circumstances, it remains for you to act for yourselves; and what I would recommend is, that you form in your own kingdom a separate junta, to be empowered to act in the name of the inhabitants, who shall be authorized to raise money." A similar disposition prevailed in many of the provinces, and Spain seemed on the point of relapsing into that state from which the formation of the central junta had delivered it.

That body endeavoured to conciliate Romana, and to avail themselves of his military talents, and therefore they requested him to repair to the head-quarters at Carolina, where the wreck of Areizaga's army were collecting, investing him with full powers for whatever measures he thought might best tend to repair the loss, and prevent the apprehended consequences; but Romana was either too much disgusted with the government to serve under them, or saw the consequences too clearly to risk his own reputation by attempting what there was little hope could be effected. The Andalusians appear to have relied upon the passes of the Sierra Morena; this confidence would have been reasonable, had there been any thing like an equality, either in num-

bers or discipline, between the armies in the field; but the disproportion in both these things being what it was, the example of Somosierra ought to have undeceived them. Flattering statements were circulated, that no means had been neglected for placing Areizaga's army upon the most respectable footing; that he had been joined by considerable reinforcements, and supplied with every kind of stores. The whole artillery of two divisions of his army had reached La Carolina, cannon and ammunition were passing through Cordova, and the works, it was said, which were judged necessary for strengthening the passes, were carrying on with the utmost activity: in reality the principal pass was only defended by three or four ill-mounted cannon. The junta, notwithstanding these boasted preparations, were prudent enough when they convoked the cortes, to appoint the Isle of Leon for the place of meeting. Upon the remains of the central army they could have little reliance, for in battles like that of Ocana, the best and steadiest part of the army is that which falls. The Duke del Parque's force was not equally broken up, it had lost more in reputation than in actual strength; but its strength was comparatively trifling, and it was at a distance. The main hope of the government seems to have been upon a corps of 12,000 men, under Alburquerque, whose head-quarters were at Don Benito, having 2000 men at Truxillo, and other advanced parties upon the Tagus.

After the battle of Medellin, the Spanish writers announced to the people without disguise the whole extent of their danger, that they might prepare themselves without dismay for the worst. "What," said Don J. M. Blanco, in that manly spirit of sound philosophy which characterises his writings,—"What if the French were to enter Andalusia, and make themselves masters of Andalusia, wherefore should the nation then think itself conquered? Has the enemy armies enough to keep up the communication from Bayonne to Cadiz, if he be harassed by the people along the road? and if he can establish this immense line, how can he occupy 18,000 square leagues of land, or deprive us of the advantage of two immense coasts, open to our colonies and our allies?" The danger which had then been averted was now near at hand; but the junta, whatever their own individual apprehensions may have been, did not venture to proclaim the whole truth, and call forth in the Andalusians the dreadful strength of despair, which the French had found so destructive at Zaragoza. Instead of this, they suffered a treacherous hope to be held out, that if the enemy should enter the kingdoms of the south, the passes would be occupied behind them; the Dukes of Parque and Alburquerque would hasten to the scene of action, and another day like that of Baylen might be expected.

While the junta fixed its attention as well as its hopes upon the Sierra Morena, the French, knowing how easily that barrier would be surmounted, looked on to Cadiz, the possession of which they considered as not less important than that of Madrid. The actual command of the army was vested in Soult, the ablest of their generals, having under him Victor, Mortier, and Sebastiani; and the intruder came in person to take possession of the southern provinces of Spain. Areizaga was perfectly sensible of his own inability to defend the lines, notwithstanding the great advantage which the exceeding strength of the position would have afforded

to a determined people, under a general of any enthusiasm, or any military skill. He made known his hopelessness to the government, and by sending away great part of his stores for the purpose of securing them, betrayed it also to the army and to the people. The French, to exaggerate their own merits, affirmed that, confiding in the entrenchments which he had thrown up at the entrance of the defile, in the cuts which had been made in the roads, and the mines which he had dug at the brink of the precipices, he considered his position impregnable; but Areizaga had lost his presumption at Ocana, and was prepared for defeat before he was attacked. In fact, the Sierra Morena was not better defended than Somosierra had been; at every point the men gave way, because they knew, by the conduct of their general, that it was not expected they should stand their ground: one division took to flight at Navas de Tolosa, the very spot where one of the most glorious victories in Spanish history had been gained over the Moors. The operations began on the 20th of January, and the head-quarters of the intruder were the next day established at Baylen, of which the French now reminded the Spaniards with bitter exultation.

The junta, who had ventured to hint their apprehensions of this event no otherwise than by convoking the cortes to the Isle of Le-
July 15. on, instead of Seville, announced, five days before the French forced their way into Andalusia, their intention of transferring the seat of government to Cadiz, not daring even then openly to assign what was the obvious cause. The Isle of Leon, they said, was the fittest place for the cortes to hold its sittings, because there were buildings there applicable to the purpose; from thence their decrees could be communicated to every part of the peninsula, whatever might be the vicissitudes of war; and there they might devote themselves to their noble and arduous functions with a perfect tranquillity, which was hardly attainable amid the distractions of a great city. But this having been determined, the junta found itself in the predicament which had been provided for by a decree of the preceding year, wherein it had been declared, that at whatever place the representatives of the Spanish nation should be convoked, to that place the government must remove its seat. They gave notice, therefore, that on the first of February they should meet in the Isle of Leon. Accordingly they made immediate preparations for their removal.

The people of Seville could not but perceive that their city was to be abandoned to the enemy; this was obvious. What other designs the members of the junta might have formed, every one guessed, according as he suspected or despised this unfortunate administration. Some said that they were sold to the French, and that the junta were only pretending to fly, that they might deceive other provinces with a show of patriotism, and sell them as they had sold Andalusia; others acquitted them of treason, to fix upon them the charge of peculation: a few of the members, they said, were, for their known virtue and talents, entitled to the love of their countrymen; the rest were a sordid race, who, having appropriated to their own use the free gifts contributed for the use of the army, while they left the soldiers to perish for want of food and clothing, were now about to fly to England or to the

Canaries, and there enjoy in safety the riches of which they had defrauded their brethren and their country. Those persons who could command the means of removal, hastened to secure themselves in the sea-ports; others, whose fortunes rooted them to the spot, and who were thus compelled to share its fate, or whose bolder spirits were impatient of flight or of submission, joined in imprecations upon the government, by which they believed themselves to have been sacrificed;—whether the cause had been guilt or imbecility, the effect to the country was the same. On the 20th, the junta announced that the pass of Almaden had been forced; but the danger, they said, was not so great as terror might perhaps represent it. The division which had been stationed there, and which was far too weak to maintain the post, was gone to join Alburquerque, who threatened the flank of the enemy; the Duke del Parque was advancing by rapid marches; their junction would form an army far superior to the French force at Almaden, who would thus be checked in their career, or driven back; while Areizaga's army occupied the other passes, and was ready to hasten to the defence of Seville, whether also the two dukes would repair in case of necessity. This, they said, was the true state of things, which the government had neither exaggerated, nor dissembled. They had issued orders for marching off all the men in arms who could be collected to join the armies, and for supplying them; and they called upon the people of this capital to lay aside all terror, all idea of confusion or tumult, and display the same courage and calmness as they had so honourably manifested in times of greater danger. The French depended more upon the distrust and disunion which they hoped to create than upon their own strength.

While the junta thus admonished the people to be calm, they themselves were completely bewildered by the danger which pressed upon them. The series of their instructions to Alburquerque, from the time when they first clearly saw that Andalusia was seriously threatened, exhibits their incapacity and their wavering councils in the most extraordinary manner. A month before the attack was made, that able general, the only one whose talents were equal to the exigency, warned them that the pass of Almaden was threatened, and, explaining in what manner such a movement on the part of the enemy would threaten his own position, observed how expedient it was to call his troops from Truxillo and the advanced posts upon the Tagus: his head quarters at this time were at Don Benito. The answer was, that if the enemy made the movement which he apprehended, he must endeavour to prevent them, by taking a good position, where he might fight them to advantage; meantime the force at Truxillo must not be lessened, and he must not forget to leave a competent garrison in Badajoz. By another dispatch they enjoined him to act offensively and with energy, to destroy the plans of the French from penetrating by the road of La Plata. Another ordered him to hold himself ready to march as soon as he received instructions; and had he been a man of less decision, would thus have suspended his movements till those instructions arrived. His army was thus upon the Guadiana when the passes were forced, and the enemy moved a column along the road de la Plata, in order to occupy Guadalcanal, and thus prevent him from entering Andalusia. This purpose

Alburquerque understood, and made his own movements so judiciously, that when they expected to take easy possession of Guadalcanal, they found him there with the main body of his infantry, while the horse escorted his artillery to St Olalla and Ronquillo; and thus the whole army was ready to move wherever its services were required. Here he received those instructions for which he was too zealous a patriot, as well as too good an officer, to wait. They directed him to approach the enemy as near as possible, to oppose them if they attempted to enter Andalusia, and if they should retreat to La Mancha, to harass them as much as possible; for it appears that the junta even indulged this hope. Alburquerque informed them, that an army, consisting of 8000 disposable men, and 600 horse, could not approach very near to watch the movements of a hostile force, more than three-fold its own number; if he added to his own little division that which was destined to garrison Badajoz, an important place, which had at this time scarcely 400 effective men, it would only increase his own troops to 11,700, which would still be insufficient either to occupy the line of defence, which they instructed him to take up, or to observe the enemy with any hope of impeding them. Nevertheless he would do all that was possible. On the 21st, the junta ordered him to march immediately for Cordova, in consequence of the enemy's having occupied the pass called Puerto del Rey; the next morning they summoned him to Seville, by the shortest route, and with the utmost expedition; and before night changed their purpose, and dispatched another express, ordering him to Cordova. This vacillation was imputed to treason, especially as the war minister, D. Antonio Cornel, had long been suspected by the people. Certain it is, that if Alburquerque had obeyed these orders, his own army must have been cut off, and Cadiz would inevitably have been taken by the enemy, according to their aim and expectation; but the error of the junta, on this occasion, is sufficiently accounted for by their incapacity and their alarm.

The termination of their power was at hand. When this last order was expedited to Alburquerque, every hour brought fresh tidings of the progress of the enemy, and the murmurs of the people became louder as their agitation increased, and their danger appeared more imminent. The junta were hastening their departure for Cadiz; their equipages were conveyed to the quays, and the papers from the public offices embarked on the Guadalquiver. This alone would have informed the populace of the real state of things, even if it had been possible to keep them in ignorance of the disasters which so many breathless couriers announced. During the nights of the 22d and 23d, the patroles were doubled; no disturbance, however, took place; the agents of the Count de Montijo, and D. Francisco Palafox, were preparing to strike an effectual blow, and carefully prevented a premature explosion. On the morning of the 24th, the people assembled in the square of St Francisco, and in front of the Alcazar; some, giving full way to indignation, demanded that the central junta should be deposed; others, more violent in their rage, cried out, that they should be put to death; but the universal cry was, that the city should be defended; and they took arms tumultuously, forbade all persons to leave the city, and patrolled the streets in numerous small

parties to see that this prohibition was observed. The tumult began at eight in the morning, and in the course of two hours became general: they who secretly directed it, cried out that the junta of Seville should assume the government, went to the Carthusian convent in which Montijo and D. Francisco Palafox were confined, delivered them, and by acclamation called upon D. Francisco de Saavedra to take upon him the direction of public affairs in this emergency.

Saavedra, at that time minister of finance and president of the junta of Seville, was a man of great ability, eloquence, and undoubted patriotism; but he was advanced in years, and it was believed that poison had been administered him, at the instigation of the infamous Godoy, which had in some degree affected his intellects. Whatever truth there may have been in this, it is certain that he betrayed no want either of intellect or exertion on this occasion; he calmed the people by consenting to guide them; assembled the members of the provincial junta; issued a proclamation enjoining the Sevillians to remain tranquil; sent off tidings of the revolution which had been effected to the other juntas; and by making new appointments, and dispatching new orders to the armies, satisfied the populace for the time. Montijo left the city to assist in collecting the scattered troops of the central army, which Blake was appointed to command; and Romana was re-nominated to the army of the left, from which the late junta had removed him. The people, however, called upon Romana to take upon himself the defence of the city, and stopped his horses at the gate to detain him; but Romana, brave and patriotic as he was, was not a man like Palafox, who could depend upon popular enthusiasm, because he partook it himself, and possessed the genius which could direct, command, and sustain it. The virtues of the Zaragozans indeed appeared in a stronger light than ever, when it was seen how villainously the cities of Andalusia submitted to the enemy. This had been foreseen at Seville, and the central junta had been urged to blow up the cannon foundry, and destroy all the stores which they could not remove; but every thing was left to the enemy. Romana, evading the populace, hastened to Badajoz, to protect that important fortress, as the best service which he could perform; while Seville, in spite of the disposition of its inhabitants, followed the fate of Madrid, and received the yoke.

But the possession of the country, and all the open towns, was of little importance when compared with that of Cadiz. If it were possible that the fate of Spain could depend upon any single event, that event would have been the capture of Cadiz at this time; and the French therefore pushed on for it with even more than their accustomed rapidity. The city was utterly unprepared for an attack; there were not a thousand troops in the Isle of Leon, and not volunteers enough to man the works; the battery of St Fernando, one of its main bulwarks of defence, was unfinished. While the scene of action was at a distance, the people of Cadiz thought the danger was remote also, and but for the genius and decision of a single man, Buonaparte might have executed his threat of taking vengeance for the loss of his squadron.

At four on the morning of the 24th, the Duke de Alburquerque received that dispatch from the central junta, which, countermanding his march to

Seville, ordered him to make for Cordova. A counter-order of some kind or other he seems to have expected; for, in acknowledging this dispatch, he expressed his satisfaction in having been right in not commencing his march according to the instructions received the preceding night, in which case he must have had the inconvenience of a counter-march; at the same time he said, that the troops which he had directed to garrison Badajoz, and which he was now ordered to recall, could not join him without great danger, and without leaving that place defenceless,—a point of such importance, that though these orders were positive, he would not obey them unless they were repeated. At this time he was at Pedroso de la Sierra, whither he had advanced from Guadalcanal, pursuant to the first instructions, requiring him to move upon Cordova. There was the Guadalquiver to cross, and Alburquerque, not being certain that his artillery could pass the bridge of Triana, determined to have it ferried over at Cantillana. He was near that ferry when the last dispatches from the central junta reached him, written on the 23d, and repeating the order to march towards Cordova; but Alburquerque at this time knew that the junta were flying from Seville, though they had given him no intimation of their design, and knew also that Cordova must now be in the enemy's possession. He did not therefore hesitate for a moment to disobey orders which must have led to the destruction of his little army,—an army, in the fate of which, inconsiderable as it was, the fate of Spain was more essentially involved, than in that of any which she had yet sent into the field. Having crossed at Cantillana, he made the main body proceed to Carmona, while he himself, with part of his little cavalry, advanced towards Ecija, where the French had already arrived, to ascertain their movements, and if possible to alarm them by his own, and make them imagine that his army covered Seville: But the French general, as well as Alburquerque, was aware that Seville was a point of far inferior importance to that upon which the invaders had fixed their attention; and the enemy were now pushing on the chief part of their force by El Arahal and Moron to Utrera, in order to cut off the duke from Cadiz. The least delay or indecision, from the moment that able general began his march, would have proved fatal; instantly perceiving the object of the enemy, he ordered his little army to make for Utrera, where his artillery and cavalry arrived almost at the same time as the French; from thence he marched with the infantry by Las Cabezas to Lebrija, across the marsh, at a season when it was deemed impracticable; thus enabling it to reach Xerez in time, while the cavalry accompanied the artillery along the high road, skirmishing as it retreated, delaying the pursuers, and sacrificing itself for the preservation of the rest of the army and of Cadiz. On the night of the 30th, he performed this march from Utrera to Lebrija, and on the same night the people of Cadiz were relieved from their fears, by an express from him, saying, that he was between them and the French, and should reach the city in time to save it. On the following morning he reached Xeres, having gained a day's march upon the enemy: they found themselves outstript in rapidity, and outmanœuvred; and on the morning of the 2d of February, Alburquerque, with his 8000 men, entered the Isle of Leon, having ac-

complished a march of 65 leagues, 260 English miles. Thus Cadiz was saved.

Yet the means of defence had been so scandalously neglected, that Alburquerque himself asserts, the Isle of Leon must have been lost if the French, who pursued, had ventured to make a spirited attack upon it; and Cadiz would then speedily have shared the same fate. In general, the French calculate with sufficient confidence upon the errors of their enemies,—a confidence which has rarely deceived them in the field, and has almost invariably succeeded in negociation. Here, however, they did not think it possible that works so essential to the salvation of the government should have been left unfinished; and, knowing that the troops were under a man whom they trusted and loved, they knew that, naked, and exhausted, and half-starved as they were, behind walls and ramparts they would prove desperate opponents. Having saved this important place by his presence, the duke lost no time in securing it; he exerted himself night and day; the people, who, as he says, when they are guided by their first feelings, usually see things as they are, blessed him as their preserver, and he was appointed governor as it were by acclamation.

While Alburquerque was on his march, a new government had been established. Venegas had been appointed governor of Cadiz by the central junta, apparently as a reward for that blind obedience to their instructions, which, more than any other circumstance, frustrated Sir Arthur Wellesley's victory. Both Mr Frere and the British general distrusted his military talents. The people of Cadiz, with less justice, suspected his fidelity, and he was not without fear that he might become the victim of their suspicion in some fit of popular resentment. His danger became greater as soon as it was known that the central junta had been deposed at Seville, and were flying in various directions; but Venegas, with a prudent foresight, went to the cabildo, and, saying that the government from which he had received his appointment existed no longer, resigned his command into their hands, and offered to perform any duty to which they should appoint him. This well-timed act of submission had all the effect which he could wish; the cabildo were flattered by it; the more so, because such deference of the military to the civil authority was altogether unprecedented in that country, and they requested him to continue his power, and act as their president, till a junta could be elected for the government of the town. Measures were immediately taken for chusing this junta, and the election was made in the freest and fairest manner. A ballotting-box was carried from house to house; the head of every family voted for an electoral body; and this body, consisting of about threescore persons, then elected the junta, who were eighteen in number. A mode of election so perfectly free and unobjectionable, gave to the junta of Cadiz a proportionate influence over the people; but they themselves, proud of being, as they imagined, the only legally constituted body in Spain, became immediately jealous of their power, and hostile to the establishment of any other.

It was, however, essential to the salvation of the country that some government should be established, which would be recognised by the whole of Spain. The members of the central junta, who had arrived in

the Isle of Leon, would fain have continued their functions; they found it was in vain to attempt this, and then, yielding to necessity, they suffered themselves to be guided by Jovellanos, who represented to them the necessity of appointing a regency, not including any individual of their own body. Mr Frere, acting as British minister till Marquis Wellesley's successor should arrive, exerted that influence which he so deservedly possessed, first to enforce the advice of Jovellanos upon his colleagues, and afterwards to make the junta of Cadiz assent to the only measure which could preserve their country from anarchy; but this junta were so little disposed to acknowledge any authority except their own, that, unless the whole influence of the British minister had been zealously exerted, their acquiescence would not have been obtained. The Archbishop of Laodicea, who was president of the central junta, with the deputies Valdes and Ovalle, had been seized at Xerez, and were in imminent danger from the blind fury of the populace, if some wise and resolute Spaniards had not come forward and saved them, by persuading the mob to put them in confinement in the Carthusian convent, as prisoners of state. They were indebted for their liberation to Castanos, who was then in the Isle of Leon, and took measures for having them safely conducted there. Their arrival made the number of members three-and-twenty; and on the 29th of January this government issued its last decree. Voluntarily they cannot be said to have resigned their power as a body, but the same presiding mind which pervaded their former writings, made them resign it with dignity. "Having," they said, "reassembled in the Isle of Leon, pursuant to their decree of the thirteenth, the dangers of the state were greatly augmented, although less by the progress of the enemy than by the internal convulsion which threatened it. The change of government which they themselves had announced, but had reserved for the cortes to effect, could no longer be deferred without mortal danger to the country. But that change ought not to be the deed of a single body, a single place, or a single individual; for in such case, that which ought to be the work of prudence and of the law, would be the work of agitation and tumult; and a faction would do that, which ought only to be done by the whole nation, or by a body lawfully representing it. The fatal consequences which would result from such a disorder were apparent; there was no wise citizen who did not perceive, and no Frenchman who did not wish for them. If the urgency of present calamities, and the public opinion which was governed by them, required the immediate establishment of a council of regency, the appointment of that council belonged to none but the supreme authority, established by the national will, obeyed by it, and acknowledged by the provinces, the armies, the allies, and the colonies of Spain; the sole legitimate authority, which represented the unity of the power of the monarchy."

After this preamble, they nominated as regents, Don Pedro de Quevedo y Quintana, the Bishop of Orense; D. Francisco de Saavedra, late president of the junta of Seville; General Castanos; Don Antonio de Escano, minister of marine; and D. Esteban Fernandez de Leon, a member of the council of the Indies, as the representative of the colonies. To these persons the junta transferred

all their authority; providing, however, that they should only retain it till the cortes were assembled, who were then to determine what form of government should be adopted; and that the means which were thus provided for the ultimate welfare of the nation might not be defeated, the regents, when they took their oath to the junta, should swear also that they would verify the meeting of the cortes at the time which had been appointed. The new government was to be installed on the third day after this decree. The junta accompanied the decree with a farewell address to the people, condemning the tumult at Seville, and justifying themselves, like men who felt that they had been unjustly accused, because they had been unfortunate. Neither their incessant application to the public weal, they said, had been sufficient to accomplish what they desired, nor the disinterestedness with which they had served their country, nor their loyalty to their beloved but unhappy king, nor their hatred to the tyrant and to every kind of tyranny. Ambition, and intrigue, and ignorance had been too powerful. "Ought we," they said, "to have let the public revenues be plundered, which base interest and selfishness were seeking to drain off by a thousand ways? Could we satisfy the ambition of those who did not believe themselves sufficiently rewarded with three or four steps of promotion in as many months? or, could we, notwithstanding the moderation which has been the character of our government, forbear to correct with the authority of the law, the faults occasioned by that spirit of faction, which was impudently proceeding to destroy order, introduce anarchy, and miserably overthrow the state?"

Then drawing a rapid sketch of the exertions which they had made since they were driven from Aranjuez,—"Events," they said, "have been unsuccessful, but was the fate of battles in our hands? And when these reverses are remembered, why should it be forgotten that we have maintained our intimate relations with the friendly powers; that we have drawn closer the bonds of fraternity with our Americas; and that we have resisted with dignity the perfidious overtures of the usurper? But nothing could restrain the hatred which, from the hour of its installation, was sworn against the junta. Its orders were always ill interpreted, and never well obeyed." Then, touching upon the insults and dangers to which they had been exposed in the insurrection at Seville,—"Spaniards," they continued, "thus it is that those men have been persecuted and defamed, whom you chose for your representatives; they who without guards, without troops, without punishments, confiding themselves to the public faith, exercised tranquilly, under its protection, those august functions with which you had invested them. And who are they, mighty God! who persecute them? the same who, from its installation, have laboured to destroy the junta from its foundations; the same who have introduced disorder into the cities, division into the armies, insubordination into the constituted authorities. The individuals of the government are neither impeccable nor perfect; they are men, and as such liable to human weakness and error. But as public administrators, as your representatives, they will reply to the imputations of these agitators, and shew them where good faith and patriotism have been found, and where ambitious passions, which incessantly have destroyed the bowels of the country. Re-

duced from henceforward by our own choice to the rank of simple citizens, without any other reward than the remembrance of the zeal and of the labours which we have employed in the public service, we are ready, or, more truly, we are anxious, to reply to our unjust calumniators before the cortes, or the tribunal which it shall appoint. Let them fear, not us; let them fear, who have seduced the simple, corrupted the vile, and agitated the furious; let them fear, who, in the moment of the greatest danger, when the edifice of the state could scarce resist the shock from without, have applied to it the torch of dissention, to reduce it to ashes. Remember, Spaniards, the fate of Porto! an internal tumult, excited by the French themselves, opened its gates to Soult, who did not advance his troops to occupy it till a popular tumult had rendered its defence impossible. The junta warned you against a similar fate after the battle of Medellin, at the appearance of the symptoms of that discord which has now with such hazard declared itself. Recover yourselves, and do not accomplish these mournful presentiments.

"Strong, however, as we are in the testimony of our own consciences, and secure in that we have done for the good of the state as much as the situation of things and circumstances placed within our reach, the country and our own honour demand from us the last proof of our zeal, and require us to lay down an authority, the continuance of which might draw on new disturbances and dissentions. Yes, Spaniards, your government, which, from the hour of its installation, has omitted nothing which it believed could accomplish the public wish; which, as a faithful steward, has given to all the resources that have reached its hands no other destination than the sacred wants of the country; which has frankly published its proceedings; and which has given the greatest proof of its desire for your welfare, by convoking a cortes more numerous and free than any which the monarchy has ever yet witnessed, resigns willingly the power and authority which you have confided to it, and transfers them to the council of regency, which it has established by the decree of this day. May your new governors be more fortunate in their proceedings, and the individuals of the supreme junta will envy them nothing but the glory of having saved their country, and delivered their king."

Three of the members of the regency were well-known characters. The Bishop of Orense was venerable for his patriotism, as well as for his age and exemplary virtues; no man had contributed more signally to rouse and maintain the spirit of the country. Castanos had received from the junta a species of ill treatment, which was in the spirit of the old government. Having delivered up the wreck of his army, during its retreat, to La Pena, he followed the junta to Seville, and before he entered the city announced his arrival, and demanded that a manifesto should be published declaring the state of the army which he had left, to undeceive the people, and justify him. After some evasive answers which were soon changed for a sterner tone, he was ordered to remain in the convent of St Isidro del Campo, at Santifronce, in a state little differing from that of a prisoner. Here he continued to demand that his conduct should be investigated, or that he should be permitted to publish his justification; the reply was an order to retire to his own

house at Algeziras. The defeat at Tudela would not have cast even a momentary cloud over the character of Castanos, if Palafox and O'Neille had not loudly accused him of misconduct, and their charges had appeared in the government gazette. O'Neille perished at Zaragoza, and Palafox was in that hopeless captivity to which the base barbarian whom he had so gloriously resisted condemns all those brave men whom the fate of war has placed in his power. But though their testimony could not be obtained to support the opinion which they had expressed, there were officers enough of rank remaining of that army to have answered the purpose of inquiry; and inquiry was equally due to the country and to Castanos, even if his former services had given him no claim upon the gratitude of Spain. Proceedings were instituted, but in the slow and dilatory manner of the old government, under which years used to pass away, and the sufferers died and were forgotten, before their processes were concluded. The name of Castanos, however, was connected with that of Baylen, to Reding's wrong; and Baylen was remembered when the accusations of Palafox and O'Neille were no longer thought of. The people of Algeziras, greatly to their honour, mounted a volunteer guard before the house, as a mark of respect; and the junta, in the last days of their administration, when they turned their eyes about in distress, called upon him to take the command, and resume the rank of captain-general of the four kingdoms of Andalusia. The call was too late, but he came to the Isle of Leon in time to rescue three of the members of that body from the populace of Xerez; and in nominating him to the regency, they seem to have consulted the wishes of the people. Saavedra enjoyed a high reputation, and was in full popularity. He had given good proof of disinterested zeal during the tumult at Seville. Instead of securing his own valuable private property, he occupied himself in calming the people, and in preserving the public treasure and the more valuable public records; and as there was a want of vessels, he embarked the public property on board the one which had been hired for his own effects. Escano had been minister of marine at Madrid, and was known as a man of business and fidelity. Leon's appointment was not agreeable to the junta of Cadiz, who soon felt their power, and were determined to derive from it as much advantage as possible; he therefore declined accepting the office on the plea of ill health, and D. Miguel de Lardizabal y Ariba, a native of the province of Tlaxcalla, in New Spain, and a member of the council of the Indies, was appointed in his stead.

A government was thus formed, which, receiving its authority from the supreme junta, derived it ultimately from the same lawful source,—the choice of the people, and the necessity of the state. In such times, and in a nation which attaches a sort of religious reverence to forms, it was of prime importance that the legitimacy of the new government should be apparent, and its right of succession clear and indisputable. For this Spain was principally indebted to Jovellanos, the last and not the least service which that irreproachable and excellent man rendered to his country. But it was the fate of Jovellanos, notwithstanding the finest talents, the most diligent discharge of duty, the purest patriotism, and the most unsullied honour, to be through-

out his life the victim of the unhappy circumstances of Spain. Seven years' imprisonment, by the will and pleasure of the despicable Godoy, was a light evil compared with the injustice which he now endured from that government which he, more than any other individual, had contributed to appoint and to legitimate. The council of Castile, which first acknowledged the intruder, and then acknowledged the junta, in the same time-serving spirit attacked the junta now that it was fallen, affirmed that its power had been a violent usurpation, which the nation had rather tolerated than consented to, and that the members had exercised this usurped power contrary to law, and with the most open and notorious selfishness and ambition. The people, not contented with their compulsory resignation, accused them of having peculated the public money; Tilly and Calvo were put in confinement; but the regency, yielding to the temper of the times, and perhaps courting popularity, fixed on all the members of this body the same stigma, registered their effects, and seized their papers. Even Jovellanos was ordered to retire to his own province, which happened at that time to be free from the enemy, and there placed under the inspection of the magistrates. This act of cruel injustice is inexpiably disgraceful to those from whom it proceeded; upon Jovellanos it could entail no disgrace. He had long learnt to bear oppression, and patiently to suffer wrong; but this injury came with the sting of ingratitude, it struck him to the heart, and embittered his few remaining days.

This rigorous treatment of the central junta was the work of their implacable enemy, the council of Castile, a body which they ought to have dissolved and branded for its submission to the intruder, and of the junta of Cadiz, a corporation equally daring and selfish, who thought that in proportion as they could blacken the character of the former government, they should increase their own credit with the people. The members of that government had given the best proof of innocence; not one of them had gone over to the enemy, nor had one of them even attempted to conceal himself at a time when the popular hatred against them had been so violently excited. Several of them had embarked on board a Spanish frigate for the Canaries; when their baggage was seized, it was, at their own request, examined before the crew, and the examination proved that they had scarcely the means of performing the voyage with tolerable comfort. Tilly died in prison without a trial. This was a thoroughly worthless man, and it would probably have appeared that he had found means of enriching himself when he was sent, in the manner of the republican commissioners in France, to superintend the army which defeated Dupont. But Calvo, who was arrested also and thrown into a dungeon, without a bed to lie on or a change of linen, and whose wife also was put in confinement, was perfectly irreproachable in his public character. He had been one of the prime movers of that spirit which has sanctified the name of Zaragoza, and during the first siege repeatedly led the inhabitants against the French. All his papers had been seized; he repeatedly called upon the regency to print every one of them, to publish his accounts, and bring him to a public trial; but he was no more attended to than if he had been in the Seven Towers of Constantinople. After the cortes assembled he

obtained a trial, and was pronounced innocent. Calvo's conduct toward Sir Arthur Wellesley undoubtedly appears suspicious: but he probably acted under secret instructions; for, by some strange mispolicy, the junta at that time employed every dishonourable artifice to render the English unpopular.

The French meantime, as soon as they had forced the ill-defended passes of the Sierra Morena, advanced without resistance, and sent off detachments in every direction to take possession of the country. Jaen, which had boasted of its preparations for defence, where six-and-forty pieces of cannon had been mounted, and military stores laid in to resist a siege, submitted as tamely as the poorest and most defenceless village. Granada, also, where a crusade had been preached, was taken possession of by Sebastiani. The people of Alhama were the first who opposed the enemy; their town, which had only the ruins of Moorish works to protect it, was carried by storm, and Sebastiani fought his way from Antiquera to Malaga through armed citizens and peasantry, headed by priests and monks. This insurrection, as the French termed it, by the confession of the insolent invaders, put on an alarming appearance; and it is evident, from the measures taken and the struggle made by this hasty and undisciplined multitude, that if the provincial authorities had displayed common prudence in preparing for the invasion, and common spirit in resisting it, Andalusia might have proved the grave of all the French who entered there. While Sebastiani thus overran Granada, Mortier was detached on the other hand to occupy Estremadura, which it was thought was left exposed by the retreat of the English; but Alburquerque, disobeying the express commands of the supreme junta, had garrisoned Badajoz, and here therefore the progress of the enemy was checked.

The intruder, following his armies, and thinking to obtain possession of Cadiz, and destroy the legitimate government of Spain, issued a proclamation at Cordova, characterized by the usual impiety, ferocity, and falsehood, which has marked the whole proceedings of the French in this most atrocious usurpation. "The moment was arrived," he said, "when the Spaniards could listen with advantage to the truths which he was about to utter. Thinking persons well knew, that for more than a century the force of circumstances, which masters all events, had determined that Spain should be the friend and ally of France. When an extraordinary revolution hurled from the throne the house which reigned in France, it was the duty of the Spanish branch to support it, and not lay down its arms until it was re-established, to preserve itself from the same fate. But it required a spirit of heroism to adopt such a resolution, and the cabinet of Madrid thought it better to wait for that from the progress of time, which it wanted courage to obtain by arms." This truth, for such the intruder might well call this part of the proclamation, marks, as much as the falsehoods which accompanied it, the devilish spirit by which the French councils have so long been possessed; having allured the Spanish Bourbons by oaths and treaties to their own destruction, France now reproached them with the very conduct which she had tempted them to pursue. The paper proceeded to affirm, that during its whole alliance with France, Spain was watching an

opportunity of falling upon her,—an assertion notoriously and even ridiculously false. "The conqueror of Europe," it continued, "would not allow himself to be duped. The princes of the house of Spain, not having the courage to fight, renounced the crown, and were content to make stipulations for their private interests. The Spanish grandees, the generals, the chiefs of the nation, recognised these truths. I," said the intruder, "received their oaths at Madrid, but the occurrence at Baylen threw every thing into confusion. The timid became alarmed, but the enlightened and conscientious remained true to me. A new continental war, and the assistance of England, prolonged an unequal contest, of which the nation feels all the horrors. The issue was never doubtful, and the fate of arms has now declared so. If tranquillity is not immediately restored, who can foresee the consequence of such blind obstinacy? It is the interest of France to preserve Spain entire and independent, if she become again her friend and ally; but if she continue her enemy, it is the duty of France to weaken, to dismember, and to destroy her. God, who reads the hearts of men, knows with what view I thus address you. Spaniards! the irrevocable destiny is not yet pronounced. Cease to suffer yourselves to be duped by the passions excited by the common enemy. Employ your understanding: it will point out to you in the French troops, friends who are ready to defend you. It is yet time: rally around me! May this open to Spain a new era of glory and happiness."

If the Spaniards had had as little wisdom, or as little sense of honour and duty, as the anti-Spaniard party in England, they would have believed the intruder, and submitted to him. This party, who, at the time of Sir John Moore's retreat, told us that the Spaniards had then yielded, and that their fate was decided, now declared, with a little more prudence in their prediction, that "the Spanish chiefs had only a * little hour to fret and strut." The king's message at the meeting of parliament, declaring that Great Britain would continue her assistance to the great cause of Spain, as the most important considerations of policy and of good faith required, excited in them the most gloomy forebodings. "We were then still," they said, "to cling to the forlorn hope of maintaining a footing in Portugal! Our resources were still farther to be drained in supporting our ally, or rather in supporting a system which did not arouse its own people to its defence; and for our efforts, however strenuous, in the support of which we did not receive either their gratitude or their co-operation. But Lord Grenville would bring the policy of the measure into discussion, and it would receive from his luminous mind the illustration that would make it clear to the meanest capacity,—except perhaps to that of his majesty's ministers." "It was reported," they said, "that the English army had made a retrograde movement to Lisbon, and actually embarked in the transports at the mouth of the Tagus. Having uniformly declared their opinion, that this expedition, under Lord Wellington, was injurious to the most important interests of the country, as they affected both its resources and its character, they should most sincerely and warmly congratulate the public if such were its † termination." That is, they

* Edinburgh Review.

† Morning Chronicle.

would have congratulated us if we had broken our faith, deserted our allies, fled before our enemies, left Buonaparte to obtain possession of Cadiz and Lisbon, and then waited tremblingly for him upon our own shores, with our resources carefully husbanded till it pleased him to come and take them!

"It has been conjectured," said these hopeful politicians, "that Cadiz might be abundantly supplied from the opposite coast of Barbary. But those who hazarded this opinion were not precisely informed of the state of things on the African coast. The Emperor of Morocco was at present, from some cause unexplained, extremely unfriendly to his Christian neighbours. Cadiz, to be sure, was an interesting point, which it was our interest to maintain as long as possible; but at the same time they had no expectation that Cadiz, when really attacked, could long hold out. It could not be supplied with fuel with which to bake bread for the inhabitants for one * week." While this party thus displayed their presumptuous ignorance, and vented their bitter mortification in insults against the ministry and against our allies, they endeavoured to direct our attention toward the Spanish colonies, saying that our great, and indeed our only object, was to establish a mercantile connection with the empire which was to be erected there, and recommending that we should take immediate measures for assisting the emigration of the Spanish patriots! Happily the councils of Great Britain were directed by wiser heads, and the patriots of Spain actuated by better principles and by a braver spirit. "We are supported," said Romana to his countrymen, "by the illustrious and gallant English nation, who are united with the brave Portugueze, our brethren, possessing a common interest with ourselves, and who never will abandon us." The people and the government had the same confidence in British honour. English and Portugueze troops hastened from Lisbon to assist in the defence of Cadiz, and Ceuta was delivered in trust to an English garrison.

The Isle of Leon forms an irregular triangle, of which the longest side is separated from the main land by a channel, called the river of Santi Petri, ten miles in length, and navigable for the largest ships. This side is strongly fortified, and the situation also is peculiarly strong. The bridge of Zuazo, built originally by the Romans, over the channel, is flanked with batteries, and communicates with the continent by a causeway over impassable marshes. There are two towns upon the island; that which bears the same name, and which contains about 40,000 inhabitants, is nearly in the middle of the isle; the other, called St Carlos, which stands a little to the north, is newly erected, and consists chiefly of barracks and other public buildings. Cadiz stands on the end of a tongue of land seven miles in length, extending from the isle into the bay; this isthmus is from a quarter to half a mile broad, flanked on one side by the sea, and on the other by the bay of Cadiz. Along this isthmus, an enemy who had made himself master of the island must pass; new batteries had been formed, new works thrown up, and mines dug; and if all these obstacles were overcome, they

* Morning Chronicle, March 1, 1810. It would have been worthy of the sagacity of the writer to have suggested a supply of Florida turf.

would then be opposed by regular fortifications, upon which the utmost care and expence had been bestowed to render the city impregnable. Before this unexpected and unexampled aggression of France, the great object of the Spanish government had been to render Cadiz secure from the sea; as soon, therefore, as the approach of the enemy was certain, one of the first operations was to demolish all those works on the main land from whence the shipping could be annoyed. In this service the British sailors were employed. The Spaniards, meantime, roused by the exertion and example of Alburquerque, as much as by the immediate danger, laboured at the new works, which they had hitherto neglected, and carefully removed every building on the isthmus. Night and day these works were carried on, and the sound of explosions was almost perpetual. All the wood of the buildings which had been thus destroyed was taken into the city for fuel.

The population of Cadiz is 80,000; the garrison and the fugitives in the Isle of Leon were estimated at about 50,000, and the sailors and prisoners nearly 30,000 more: the prisoners were confined in hulks, which, on the approach of the French, were removed lower down into the bay, and moored under the guns of the British and Spanish ships of war. Marshal Victor, before he understood how well the isle was secured against him, sent a summons to the junta of Cadiz, telling them he was ready to receive their submission to King Joseph. Jaen, Cordova, Seville, and Granada had received the French with every demonstration of joy, he expected the same reception from the people of Cadiz; and as the fleets and arsenals were the property of the nation, demanded that they should be preserved for their rightful sovereign. They returned him an answer, signed by every individual of their body, declaring that they acknowledged no one as King of Spain but Ferdinand VII. Soult also, who had the command in Andalusia, pursued the same system of representing the English as the enemies of Spain, and in a summons to Alburquerque, insinuated that it was their wish to seize Cadiz for themselves. Alburquerque replied, that no such design was entertained by the British nation, who were as generous as they were great and brave; their only object was to assist in the defence of Cadiz with all the means in which they abounded, an assistance which the Spaniards solicited and gratefully received. Cadiz had nothing to fear from a force of 100,000 men; the Spaniards knew that the French commanded no more than the ground which they covered, and they would never lay down their arms till they had effected the recovery of their rights.

Victor was left to command the siege, if siege it may be called. The French occupied the shores of the bay, fortified their own position, and endeavoured to annoy the shipping and the town; a regular attack upon the isle was too perilous for them to attempt. The only point from which it was supposed possible to injure or alarm the town was Fort Matagorda, built for the defence of the arsenal, opposite to the broadest part of that tongue of land which connects Cadiz with the Isle of Leon. From hence it was apprehended they might be able, with the largest land mortars, to throw shells just to the gates of the city. The fort had been dismantled at their approach; but when they began to reconstruct it, it was thought

adviseable to dispossess them of this point, and endeavour to maintain it against them. This was accordingly done, and the hasty works which could be re-erected were garrisoned by a party of British soldiers and sailors; they defended it with a bravery which excited the admiration of the Spaniards and of the British commander at Cadiz, General
April 22. Graham, for two months, when, seeing it reduced to a heap of ruins, they abandoned it, having lost in the last two days 16 killed and 57 wounded. The manner in which these dismantled works were defended, taught the French what they were to expect if they attempted the Isle of Leon. The Spaniards suffered a heavier loss from the elements. During a tremendous gale, which began on the fifth of March and continued for four days with unabated violence, a Portugueze 74, two Spanish ships of the same size, with one first-rate and a frigate, and above forty merchant vessels, were driven on shore upon that side of the bay which was in possession of the enemy. All the ships of war and many of the merchantmen were burnt; nevertheless a considerable booty and many prisoners fell into the power of the French. After the storm, the boats of the Triumph picked up nearly 7000 boxes of quicksilver, which were stowed in the store-room and the hold: the heat cracked them, several tons of the metal ran through the ship, the whole of the provisions were spoilt, the ship was sent away to be cleared at Gibraltar, and about 300 of the crew were so affected, that it was necessary to remove them immediately into transports, many of them being in a state from which it was not expected that they would recover.

All eyes were now turned towards Cadiz, in expectation of an arduous contest; but hostilities were carried on there with equal languor on both sides. The French made no attempt to win the Isle of Leon, and the Spaniards made none to break up the land blockade. On the part of the enemy, this arose from a consciousness of the strength of the place; on the part of the Spaniards, from want of energy in the government, and want of spirit in the people of Cadiz. The power of the regency was in reality little more than nominal; with the lawful authority which they derived from the central junta, a portion of its unpopularity had descended to them; and a feeling seemed to prevail, that the men to whom that imbecile body had transmitted their power could not be worthy of the public confidence. On the other hand, the junta of Cadiz possessed that full confidence which the people naturally reposed in a magistracy of their own free choice, in addition to the influence which their wealth and connection gave them. The French boasted that the insurrectional government, as they styled it, was confined to the Isle of Leon; the assertion, though it was repeated by their semi-allies in England, was as false as it was insolent; but these circumstances gave the junta an ascendancy over the regency in the immediate seat of government, which paralysed their measures, and produced, with respect to the colonies, great, if not irremediable, evil.

The regency was established before Alburquerque arrived; that noble Spaniard, who never had any other object in view than the good of his country, immediately acknowledged it. The service which he had rendered was so signal, and its import-

ance so perfectly understood by all the people of Cadiz, that he was deservedly looked upon as the saviour of the place, and appointed governor in obedience to the general wish. As governor he became president of the junta, as Venegas had been before him, whose obedient policy was now rewarded by the highest station to which a subject could be appointed, that of viceroy of Mexico. Alburquerque had not solicited these appointments; on the contrary, he remonstrated against them, pointing out how impossible it was, that, having the command of the army, he could attend to these duties at the same time; and in consequence of his representations, D. Andres Lopez de Sagastizabal was nominated to act as his deputy in both capacities. The junta of Cadiz had obtained their power unexceptionably, but no men ever made a more unworthy use of it; they reluctantly assented to the formation of a regency, and when it was formed, endeavoured to restrain and overrule it, and engross as much authority as possible to themselves, in which, unhappily for Spain, and more unhappily for Spanish America, they were but too successful. Alburquerque became the marked object of their dislike, because he had recognized the regency at a moment when, if he had hesitated, they would have struggled to get the whole power of government into their own hands. That spirit, which had never condescended to conceal its indignant contempt of Godoy, could not stoop to court the favour of a junta of mercantile monopolists. Not that he despised them as such; his mind was too full of noble enterprizes to bestow a thought upon them, otherwise than as men who were called upon to do their duty while he did his.

His first business had been to complete the unfinished works of defence, especially the *corta dura*, or cut across the isthmus, where the battery of St Fernando was erected, and lest any attempt should be made to pass beside it at low water, the iron gratings from the windows of the public buildings were removed, and placed on the beach as a chevaux-de-frise. While these things were going on, the people of Cadiz discovered a disgraceful indolence; they were to be seen assembled in crowds on the ramparts, wrapt in their long cloaks, and gazing silently for hours, while the English were employed in blowing up the forts round the bay; appearing, says an eye witness, indifferent spectators of the events around them, rather than the persons for whose security these exertions were made.* Meantime the troops, whose rapid march had placed them out of fear, were neglected in a manner not less cruel to the individuals than it was detrimental to the public service. The points which were to be protected were so many, that the numbers of this little army did not suffice to guard them, without exhausting the men by double duty. Alburquerque requested that the regiments might be filled from the numberless idle inhabitants of the isle and of Cadiz, who, while they were idle, were at such a time worse than useless. Unless this were done, he said, it was not only impossible for his men to undertake any offensive operations, or even to improve themselves in discipline, but they would be wasted away with fatigue and consequent infirmities. These representations were

* Jacob's Travels.

in vain; neither was he more successful in requiring their pay, a supply of clothing, of which they stood so evidently in need, and those common comforts in their quarters, which were as requisite for health as for decency. The junta of Cadiz had seven hundred pieces of cloth in their possession, yet more than a month elapsed, and nothing was done toward clothing the almost naked troops. Alburquerque asserts, as a fact within his own positive knowledge, that the reason was, because the junta were at that time contending with the regency, to get the management of the public money into their own hands, and meant, if they had failed, to sell this cloth to the government, and make a profit upon it, as merchants, of eight reales *per vara!*

It is not to be supposed that the junta were idle at this time; they had many and urgent duties to attend to; but no duty could be more urgent than that of supplying the wants and increasing the force of the army. The duke applied to them in vain for six weeks, during which time he discovered that the junta looked as much to their private interest as to the public weal; for from the beginning, he says, their aim was to get the management of the public expenditure, not merely for the sake of the influence which accompanies it, but that they might repay themselves the sums which they had lent, and that they might make their advantage by trading with the public money. At length he applied to the regency. It is said, upon such apparent authority as to leave little doubt of the fact, that the regents, feeling how little influence they possessed over the junta, advised the duke to publish the memorial which he had presented to them, thinking that it would excite the feelings of the people. In this they were not deceived;—the people, now for the first time called upon to relieve the wants of the soldiers, exerted themselves liberally, and there was not a family in which some contribution was not made towards the defenders of the country. But the junta were exasperated to the last degree by this measure, which their own culpable neglect had rendered necessary. Alburquerque's memorial contained no complaint against them; it only stated the wants of the soldiers, and requested that, unless those wants were supplied, he might be relieved from a command, the duties of which, under such circumstances, it was not possible for him to perform. Though he was persuaded of their selfish views, he had no design of exposing an evil which there was no means of remedying; and when he understood how violently they were offended, he addressed a letter to them, disclaiming any intention of inculpating them, in terms which nothing but his earnest desire of avoiding all dissentions which might prove injurious to the country could either dictate or justify. This did not prevent the junta from publishing an attack upon him, in reply, of the most virulent nature. They reproached him with having exposed the wants and weakness of the army; entered into details as frivolous in themselves as they were false in their application, to show that they had done every thing for the soldiers; declared, with an impudence of ingratitude which it is not possible to reprobate in severer terms than it deserves, that his cavalry had retreated too precipitately, and ought to have brought in grain with them; and concluded by a menacing intimation, that the people of Cadiz were ready to support them against any persons

who should attempt to impeach their proceedings. If the junta of Cadiz had no other sins to answer for, this paper alone would be sufficient to render their name odious in the history of the Spanish revolution; so unprovoked was it in its temper, so false in its details, so detestable for its ingratitude. The perilous impolicy of their conduct is almost forgotten in indignation at its baseness. Had Alburquerque been capable of consulting his own safety by a precipitate retreat, Portugal, as he said, and the English army were at hand, and he would never have undertaken an arduous march of 260 miles in the face of a superior enemy, and in direct disobedience of the orders of his government. If the cavalry which saved Cadiz, and which they thus wantonly accused of retreating too precipitately, had been even a quarter of an hour later, it could not have entered the Isle of Leon. "This," said the indignant duke, "is the patriotism of the junta of Cadiz; the enemy is at the gates, and they throw out a defiance to the general and the army who protect them!"

But Alburquerque was too sincere a lover of his country to expose it to the slightest danger, even for the sake of his own honour. He could not resent this infamous attack without exciting a perilous struggle, and without resenting it he felt it impossible to remain at the head of the army. Having thus been publicly insulted, a reparation as public was necessary to his honour, and that reparation, for the sake of Spain, he delayed to demand. The regency would have had him continue in the command; he however persisted in resigning. No injustice which could be done him, he said, would ever have made him cease to present himself to the front of danger, had he not been compelled to withdraw for fear of the fatal consequences of internal discord. Accordingly, he who should have been leading, and who would have led, the men who loved him to victory, came over to England as ambassador, with a wounded spirit and a broken heart. It will be seen, in the annals of the ensuing year, that the poisonous malice of the junta pursued him, and literally proved fatal to this true Spaniard, whose virtues and whose heroism were worthy of the illustrious name which he bore.

Meantime the British cabinet, which, during the last campaign, had so severely felt the want of an energetic government in Spain, made an attempt to deliver Ferdinand. No other account of it has yet transpired than what it has pleased Buonaparte to make public. The person employed is called, in the statement, Charles Leopold, Baron de Kolli, an Irishman; this uncouth appellation made the whole story at first appear a fabrication, but when the facts were no longer doubted, it was perceived that the real name was Kelly. This person made his way to Valençay, the residence, or place of imprisonment, of Ferdinand, and under pretence of having some valuable articles for sale, endeavoured to speak with the prince; to effect which he disclosed

April 6. his purpose to the Infante D. Antonio, and to Amazaga, the intendant of the royal prisoner's household; but Ferdinand, upon hearing his business, immediately sent for Berthemy, the governor of the castle, and with the greatest emotion informed him, that an English emissary had found his way into the castle. Whether the prince suspected that it was a plot laid by Buonaparte for his destruction, or whether he was

really poor enough of spirit to hope to recommend himself to the tyrant by this conduct, it is impossible as yet to ascertain. He is represented as saying, that the English had done much injury to the Spanish nation, and continued to cause blood to be shed in his name; that his honour, his repose, and the good opinion due to his principles, would all have been endangered by this step, if Amazaga had not been equally loyal to the emperor and to him; and that he was anxious again to manifest his sentiments of inviolable fidelity towards the emperor Napoleon, and the horror which he felt at this infernal project, of which he wished the authors and abettors to meet with condign punishment.

It is due to the character of Ferdinand to observe, that in the French statement there are two material contradictions. Berthemy says, that Amazaga apprized him of the business on the part of the prince. Ferdinand says, that Amazaga apprized the governor first, and himself immediately afterwards. Berthemy represents the prince as saying, that the English minister had been deceived by the false opinion that he was forcibly detained; yet in his letter he is made to call the wish to deliver him from this forcible detention an infernal project, and to wish for the punishment of its authors. Kelly was furnished with ample credentials;—a letter from the king to Ferdinand, signed in his own hand, and countersigned by Marquis Wellesley; and to verify this, he had the letter addressed by Charles IVth to his Britannic Majesty, on occasion of Ferdinand's marriage, the authenticity of which was attested by a note of Marquis Wellesley's on the back, and which Ferdinand himself would know to be authentic. His examination has evidently been falsified in one part; the rest appears to be sufficiently exact. He had proposed the scheme, he said, originally to the Duke of Kent, and concerted it with Marquis Wellesley. A squadron waited for him off Quiberon, and was placed at his disposal: Marquis Wellesley intended to send the prince to Spain; the duke was for sending him to Gibraltar; but this plan, Kelly was made to say, disgusted him, because it would have been, in fact, sending him to prison, and he meant to have taken the prince wherever he pleased to go. A letter, purporting to have been written by Ferdinand two days before this discovery, was published with these details. Its object was to request an interview with the governor upon a serious matter, which had long occupied his attention. "My first wish," said he, "is to become the adopted son of his majesty the emperor, our august sovereign; I conceive myself to be worthy of this adoption, which would truly constitute the happiness of my life, as well from my perfect love and attachment to the sacred person of his majesty, as by my submission and entire obedience to his intentions and desires. I am, moreover, extremely anxious to leave Valençay, because this residence, which has nothing about it but what is unpleasant to us, is not in any respect suitable for us."

As soon as these circumstances appeared in the English papers, Mr Whitbread thought proper
May 7. to ask the Chancellor of the Exchequer, whether the letter, purporting to be written by his majesty to Ferdinand VIIth, was to be looked upon as a document which had any pretensions to the character of authenticity; a question which Mr Perceval declined answering. The

party paper made this a topic of exultation. "With extreme mortification," they said, "they were obliged to confess, that all the particulars of the plot were true. Mr Whitbread had put the question to ministers, but they were mute. Poor Lord Wellesley had not a friend to defend him from the reproach of the only expedition he had contrived. Buonaparte had sent over an agent to tempt this wise man from the east with a plot; he was caught napping on his bed of roses, and became the easy dupe of the most flimsy stratagem that ever was devised. Imbecile as they thought the administration of this country, they did not believe that the new secretary of state for the foreign department would have so absurdly exposed his royal master's councils to scorn, and wasted the treasures of the country in so puerile a contrivance."

The Spaniards felt very differently upon this occasion. Whether the most enlightened among them thought it desirable or not to see Ferdinand in possession of his throne before the reformation of abuses was effected, may well be doubted; but whatever they might think of the policy of the attempt, it excited no other feelings than those of gratitude and admiration towards Great Britain. "With what pleasure," said they, "does the good man, who watches the mazes of political events, behold one transaction of which humanity alone was the end and aim? with what interest does he contemplate an expedition destined, not for speculations of commerce, or for objects of ambition, but for the deliverance of a captive king, in the hope of restoring him to his throne and to his * people?"

* El Espanol.

CHAP. XIII.

Catalonia. Death and reported Murder of Mariano Alvarez. Suchet's attempt upon Valencia. Siege of Hostalrich. Exploits of O'Donnell. Lerida betrayed. Mequinenza and Tortosa taken.

WHILE the people of Cadiz, with an enemy in sight, felt none of the evils, and scarcely even any of the inconveniences of war, protected by their situation, which our naval supremacy rendered inaccessible, and assisted by British and Portugueze troops; the Catalans, whom their own government could not assist, and Great Britain most unfortunately still continued to neglect, carried on the contest with a desperate perseverance, worthy of so noble a people in so good a cause.

Jan. 3. One of the last acts of the supreme junta, was to decree the same honours to Gerona, and its heroic defenders, as had been awarded to Zaragoza. The rewards which Mariano Alvarez had deserved by his admirable conduct, were to be given to his family, if, as there was reason to fear, he himself should not live to receive them. This apprehension was but too well founded; Alvarez recovered sufficiently to be removed to Figueras, the place to which, by his own choice, he was conveyed prisoner, for, in this respect, Augereau maintained his word; but he soon died there. The Catalans * affirm, that Buonaparte sent orders to have him executed in the public plaza, or market-place of Gerona, but that the French, fearing the effect which this would have upon the people, and yet not daring to disobey their tyrant, satisfied his cowardly vengeance, by poisoning their noble prisoner: this was believed upon the testimony of a man, who deposed that he had seen the body, though the French endeavoured to conceal it, and buried it hastily and by night; the face was swoln, and the eyes forced out of their sockets. These appearances rather denote strangulation than poison; under any other circumstances, his death would have been thought natural, considering what he had suffered, and in how dangerous a state of bodily disease he had been at the conclusion of the siege; but, if the Corsican be wronged by the imputation of this new murder, it is owing to his own crimes. He who was the public murderer of Hofer, would as willingly order the execution of Mariano Alvarez as of Santiago Sass; he who was the private murderer of Captain Wright, would have Alvarez strangled in secret with as little scruple as he had ordered the murder of Pichegru. One murder more can neither add to his infa-

* Gazeta de Valencia, June 19. Gazeta de la Regencia July 10.

my, nor, in any human conception, to the measure of his guilt.

About six hundred of the garrison of Gerona made their escape from Rousillon, and rejoined their brethren in arms. Among them was Baron de Eroles, who immediately began to make the most vigorous exertions for recruiting the army. A decree had been past for making every fifth man take arms; but this, like most of the orders of the government, had been scandalously evaded, and Eroles was now charged by the superior junta of Catalonia to see it carried into effect. He called accordingly upon the people in animated language, reminding them of their forefathers, who spread terror through the Greek empire; and referring, as a not less illustrious instance of the good effects of discipline, to those regiments of the Gerona garrison, which had but lately before the siege been filled up by this measure of the *Quintos*, or fifths. This decree, even now, was very imperfectly executed; nevertheless, the patriotic army was considerably strengthened, and it derived new spirit from its new commander; for Blake being removed to the command of the central army, O'Donnell was appointed to succeed him. Blake, with all his talents, had been too unfortunate to be popular, and O'Donnell, by his splendid enterprizes for the relief of Gerona, had obtained the confidence both of the soldiers and the people.

Catalonia was in a deplorable state. In the other parts of Spain, grievously as they all had suffered, the scene of action had frequently been shifted; but in Catalonia the war has been carried on without intermission, from the commencement of the revolution. A noble instance of the spirit of the Catalans was given by the people of Villadran, an open town in the plain of Vich; on the approach of a French detachment, which they had no means of resisting, the whole of its inhabitants retired to the mountains in the midst of February. The French commandant, finding the place thus utterly deserted, wrote to the regidor, telling him, that if he did not bring back the inhabitants by the next day, he should be obliged to report their conduct to Marshal Augereau, and take the necessary measures for reducing them to obedience; at the same time he assured him, that the most rigorous means would be taken to preserve perfect order. The regidor returned his answer in these words: "That the French nation may know the love they bear to their religion, their king, and their country, all these people are content to remain buried among the snows of Montsen, rather than submit to the hateful dominion of the French troops." So many families, in this same spirit, forsook their homes, rather than remain subject to the invaders, that the superior junta, by O'Donnell's suggestion, issued a decree for providing them with quarters in the same manner as the soldiers.

The fall of Gerona enabled the besieging army to pursue further operations, which was done, according to the French accounts, with such success, that little more was necessary for the complete subjugation of Catalonia. Augereau asserted in his dispatches, that the Ampurdam was reduced, the peasants taken in arms hung in great numbers upon the trees along the roads, and all the French communications secure. "The famous Rovira," General Souham said, "fled before him, notwithstanding his audacious boasts of his incursions, his robberies and assassinations;" for in this manner did these invaders, robbers, and murderers, always speak

of the patriots, against whom they were waging a war of extermination. Finally, in the plain of Vich, on the 20th of February, they boasted of the most glorious victory which they had yet obtained, affirming that O'Donnell had been totally defeated, with the loss of 3500 killed and wounded, and about as many prisoners, and all his baggage: he could find no safety, except under the walls of Tarragona. It was evident, even from Augereau's own account of this action, that the Spaniards had displayed in it both discipline and courage; and it was soon seen, that they boasted of its consequences as vainly as they had grossly exaggerated the success. Meantime a division, under the Italian General Mazzachelli, laid siege to the castle of Hostalrich, a small fortress seven leagues from Gerona, on the way to Barcelona, and therefore of importance to the communication between those places. The little town of Hostalrich, not being defensible, was taken possession of by the invaders on the 9th of January; the inhabitants took refuge in the church, and defended themselves there till a party from the castle sallied to their relief, and escorted them in, from whence they removed at leisure before the blockade of the castle was pressed. Julian de Estrada, who commanded here, encouraged his men by the example of Gerona. "This fortress," said he, "is the daughter of Gerona, and ought to imitate its mother in resistance." The siege began on the 13th of January, and one of its outworks, called Torre de los Frayles, the Friar's Tower, was taken on the 20th. D. Francisco Oliver, a brave officer, who had the command there, was killed by a hand-grenade, which exploded as he was throwing it, and Clemente Merino, who succeeded him, either from treason or cowardice, immediately delivered up his post. Augereau, who was at this time come in person to inspect the state of the siege, and accelerate the operations, thought this a good opportunity to intimidate the governor, and summoned him to surrender, saying, that he and the garrison should in that case be allowed all the honours of war, and marched as prisoners to France; giving them two hours to reply, and warning them that if they refused to submit upon this summons, they were not to expect to be treated as soldiers, but should suffer capital punishment, as men taken in rebellion against their lawful king. Estrada replied, that the Spaniards had no other king than Ferdinand VII. The siege was carried on with little vigour till the 20th of February, when the French began to bombard the fort; but the men who defended it showed themselves worthy of the cause in which they were engaged, and of their commander; and here, as at Gerona, the French, with all their skill, and all their numbers, found that the strength of a fortress depends less upon its walls and bulwarks, than upon the virtue of those who defend it.

Hostalrich was not large enough to occupy the main part of the French force in Catalonia, which was sufficiently numerous for Augereau to commence operations against Lerida, and to spread his troops over the province, despising the raw levies of O'Donnell. Meantime Suchet thought, by a rapid movement from Aragon, to make himself master of Valencia, relying as much upon a correspondence with some traitors in the city, as upon his own strength. One division of his army advanced from Alcaniz to Morella, which it occu-

pied without resistance, and from thence, by St Mateo and Burriol, hastened to Murviedro, where Suchet joined it with the other, having plundered Segorbe by the way. The united force consisted of about 12,000 men, with 30 pieces of field artillery.

March 5. From thence he marched to the Puig, and fixed his head quarters in the same place as King Jayme, when he undertook the conquest of Valencia. The Valencian troops, which had advanced into Aragon to observe his movements, fell back before him in good order, and D. Jose Caro, brother to Romana, captain-general of the army and province, had taken every precaution against the expected attack: he had fortified the city as well as the time and its great extent permitted; neither stores nor provisions were wanting; and the superior junta, at his advice, removed to St Philippe, a city to which the Spaniards ought in these days to restore its old name of Xativa, in abhorrence of the barbarities executed there by the French, under Marshal Berwick. From thence they were to exert themselves in supplying and assisting the capital; a military junta was appointed in Valencia, who disposed of all the peasantry that had taken refuge there where they could be most useful, and directed the labours of a willing people. Caro had discovered the treasonable correspondence of the enemy in time; the traitors were seized a few days before Suchet appeared; and as those persons who fled from the city, if they were not traitors, proved themselves guilty of cowardice by their flight, an edict was passed, declaring their offices or benefices void, and their property confiscated.

On the night of the fifth, the van of the French army entered the suburb of Murviedro, and occupied the college of Pius Vth, the palace, and the Zaidia, all without the walls; from the palace they fired upon the bridge, but they were not numerous enough to lay siege to the city, and seem to have relied wholly upon the wretches who had promised to deliver it up. Here, however, they remained some days, during which time they exasperated, if that were possible, the hatred of the Spaniards, by exposing the images which they had taken from the churches on their road, and in the suburbs, either stript, or with regimentals thrown over them, to the fire of the city. On the night of the eleventh they decamped in such haste, that great part of their plunder was left behind them.

Augereau, meantime, seems to have believed his own boast, that the Spanish army in Catalonia was entirely routed, and incapable of offering any farther resistance. O'Donnell, having experienced the superiority which the enemy's discipline gave them in the management of large bodies of men, had immediate recourse to that system of warfare, in which enterprize, celerity, and the ardour of the soldiers, are of more avail than tactics. He retreated rapidly from Moya to Terrasa, thus leaving Manresa uncovered: the inhabitants of that city forsook it on the approach of the French; and O'Donnell, continuing to lead them on, fell back, first to Villa-franca del Panades, then to Torre-denbarra, finally under the walls of Tarragona, executing these movements with the most perfect order, and without the loss of a single man. The enemy, in pursuit, as they believed, of a flying army, occupied Manresa with 1500 men, left 900 in Villa-franca, and proceeded till they also came

March 16.

in sight of Tarragona. One division occupied Vendrell, and extended to the Arco de Bara, upon the high road to Barcelona; but in a few days this division joined the main
March 28. body, which was at Coll de Santa Cristina, and they immediately advanced towards Valls. O'Donnell, profiting by this movement, sent Camp Marshal D. Juan Caro against Villa-franca; Caro proceeded by forced
March 30. marches, and surprised the enemy on the following morning; between 2 and 300 were killed, and 640 made prisoners, not a man escaping. Caro himself was wounded; the command of his detachment devolved upon Brigadier D. Gervasio Gasca, and they proceeded toward Manresa, to attack the enemy, who occupied that town.

A body of 5 or 600 men had already been sent to reinforce the French in Manresa, and had effected their junction, though not without the loss of two carts of ammunition, and forty killed, in an action with a party of somatanes and of expatriates, as the Spaniards were called whose homes were occupied by the enemy. Augereau no sooner heard of the loss in Villafranca, than, apprehending a similar attack upon Manresa, he ordered a reinforcement of 1200 men from Barcelona, to proceed there with the utmost celerity. Gasca, receiving timely intelligence of this movement, instead of proceeding upon
April 3. Manresa, marched to intercept this column, and fell in with it between Esparraguera and Abrera; 400 were left upon the field, 500 made prisoners, and the remainder fled toward Barcelona; not more than 200 reaching that city. The Spaniards, after this second success, prepared to execute their projected attack upon the French in Manresa, and the Marquis de Campoverde took the command for this purpose: But the men had exerted themselves too much in forced marches and in action to perform this enterprize with the same celerity as the two former, and on the night before the attack should have been made, Schwartz, who headed the French detachment, evacuated the town, and took the road to Barcelona by Santa Clara, Barata, and Marieta. He began his retreat at eleven on the night of the 4th. Brigadier D. Francisco Milans, who was stationed at San Fructuos, passing the night under arms, to be ready for the attack at seven on the following morning, was apprised of the enemy's retreat between four and five, and dispatched the corps of expatriates, under Rovira, in pursuit, while the rest of the division followed as fast as possible. Rovira, whom the French had so lately, with their characteristic insolence, reviled as a wretch who fled before them, passing in two hours over a distance which was the ordinary journey of four, in their pursuit, overtook them at Hostalet, and attacked them with his usual intrepidity. Schwartz, whose force consisted of 1500 men, formed them into a column, and continued to retreat, fighting as he went: Rovira, however, so impeded his movements, that he gave time for Milans to come up with them near Sabadell; the Spaniards then charged with the bayonet; 500 of the French fell, 300 were made prisoners; Schwartz himself was wounded, and owed his life to the swiftness of his horse. The reason why the number of the slain exceeded that of the prisoners, was, that some of the French, after having surrendered, fired upon the Spaniards.

The amount of the slain and the

prisoners in these actions falls far short of the sum of the French loss; at all times the desertion from their armies in Catalonia was very great, and every defeat gave the poor Germans, who were forced into their wicked service, an opportunity to escape from it. The whole loss which they sustained from these well-planned enterprises was not less than 5000. O'Donnell hoped that he should now be enabled to relieve Hostalrich; but the main body of the French returning from Reus, which they had taken possession of a few days before, toward Barcelona, compelled Campoverde's division to fall back, and thus prevented the attempt. In Catalonia, indeed, as in the rest of Spain, though more military talent and far more energy was displayed there than in the other provinces, it was less a war of armies than of the people against a great military force. Wherever, therefore, the French moved in great bodies, the Catalans could not resist them, or resisted in vain; in general actions and in sieges, the enemy were sure to be successful; the French, and they in this country, who, from their mingled fear and admiration of Buonaparte, would have had us abandon the peninsula to his mercy, concluded that the party which won battles, and captured fortresses, must necessarily soon become masters of the country; and they reasoned thus, because they never took into their calculation the national character, the physical strength of Spain, and the moral strength of man.

The effect of that moral power was shown not less admirably at Hostalrich than it had been at Zaragoza and Gerona, though the three sieges differed materially from each other in all their circumstances. The little town of Hostalrich was not included within the works, and the fortress contained no other inhabitants than its garrison. The bombardment began on the 20th of February. The adjutant, D. Jose Antonio Roca, was writing a dispatch for the governor to the commander-in-chief, when a shell burst so near them that one of the fragments entered the room and swept away every thing off the table. Roca picked up his paper, and, remarking that the sand which it carried with it might save him the trouble of telling the general they were bombarded, continued his dispatch. A private soldier, who went out of the works for water, received a musket-ball in his groin as he was returning; he laid his hand upon the wound, and carrying in the pitcher steadily with the other, met his serjeant, to whom he delivered it; then groping in the wound for the ball, which probably had not gone very deep, he pulled it out with his fingers, gave it to the serjeant, saying, "I deposit this ball in your hands, that you may keep it for me, because, as soon as I am cured, this very ball shall revenge me upon the first Frenchman at whom I can get a shot." And as he went to the hospital he charged his comrades, in case he should not live to take vengeance for himself, that they would take it for him. Such was the spirit with which Hostalrich was defended. "Let every circumstance of the siege be made known," said this brave garrison; "if we are successful, they will give hope, and confidence, and joy to every true patriot; if we are unfortunate, they will excite a different feeling, but they will never produce shame or dismay."

Verdier, who commanded the besieging army, addressed a new summons to the governor at the time of O'Donnell's masterly retreat to Tar-

ragona, representing that movement as the consequence of a total defeat. "The wreck of the Spanish army," he said, "was seeking a moment's shelter in Tarragona and Tortosa, vigorously pursued by Augereau in person, who would immediately commence the siege of both those places. The siege of Lerida was already far advanced, and its fall inevitable. Hostalrich was a fort of no other use than as it interrupted the communication between Gerona and Barcelona; and this the governor might perceive it no longer effected, the French having made a new road, and communicating freely with that city. The object, therefore, for defending it, no longer existed; and a longer resistance, instead of adding to his glory, would be called a vain obstinacy, draw upon him the reproaches of posterity, and make him responsible for the blood which should be shed." Considering these circumstances, the French general summoned him to surrender, offering him all the honours of war. The Marshal Duke of Castiglione, Augereau, he added, revoking his former declaration, had authorized him to propose these terms. "You will do well, sir," he continued, "to accept them with glory; if you delay, they will without doubt be refused to you, and you will then be obliged to suffer conditions, which, however rigorous they may appear, are dictated by justice, seeing that a protracted resistance is neither justified by honour nor by reason." Estrada replied, by referring him to his former determination, and to the conduct of the garrison.

March 23.

The situation of the fortress, upon a craggy height, secured it against an assault, while there were any resolute men to defend it. The bombardment continued till every building within the walls had been destroyed, except a casemate, which served as an hospital, and was only large enough to hold one-and-twenty beds; the remainder of the sick and wounded were secured in a mine, and the garrison also had their quarters under ground. Supplies had been introduced about the middle of the siege; all other attempts had been defeated, and would have been of no avail at length had they succeeded, because the cisterns were destroyed. Estrada had the example of O'Donnell's retreat from Gerona before him, and determined to make his way through the enemy's lines, rather than capitulate. This he concerted with O'Donnell, who, for the purpose of deceiving the besiegers, ordered some vessels to approach Arens de Mar, the nearest part of the coast, sent one detachment to call off their attention on the side of Orsavina and Monnegre, and another on the southern skirts of Monseny toward Breda. Augereau, who had come to witness the capture of a fortress which had resisted him for four months, sent in a last summons on the evening of the 11th of May, offering the same terms which had been granted to Gerona; he gave them two hours for consideration, and declared, that if the fort was not then delivered up, the whole of the garrison should be put to the sword. Estrada laid this before his officers, and with one consent they returned for answer, that they thanked the marshal for thinking them worthy of being thus named with Gerona, but that they were not yet in a condition to make them yield. On the following morning, the men, to their great joy, were informed of the resolution which had been taken.

The French expected such an at-

tempt, and judged, from the stir which they beheld in the fort, that it would be made in the ensuing night. That evening, therefore, they strengthened their post at Tordera on the right, thinking, as the men themselves did, that the governor would make for Arens de Mar, where the ships were awaiting him. At ten, the garrison descended the glacis on the side of the high road of St Celoni, and crossed the road and the space between the fort and the heights of Masanas. It was broad moon-light. Two advanced parties, to the right and left, fell upon the enemy's picquets with the bayonet; those, however, who escaped gave the alarm; but the garrison had gained the start, ascended to St Jacinto, and hastened toward St Feliu de Buxaleu. A league from Hostalrich they fell in with an enemy's encampment, and routed them; this gave the alarm to another body of 2000 French, whose station was near, on the road to Arbucias; but they were received so resolutely, that they soon gave over the pursuit. Thus all was effected which could be done by skill and courage; one division lost its way, and many of the men dropt on the road, their strength failing them on this great exertion, from the want of rest and food, which they had long endured. Among them was the noble Julian dé Estrada, who thus fell into the hands of the enemy: this was a far heavier loss to his country than that of the fortress which he had defended so well; and in the course of the war, Catalonia has had but too much cause bitterly to regret the loss of such men as Estrada and Alvarez. 500 men reached Vich in safety on the following day, 132 joined them on the next, being part of the battalion of Gerona, who had lost their way and fallen in with the enemy; stragglers continually came in, and on the evening of that day, the number who had accomplished their retreat amounted to 800. The French asserted, that every man was either killed or taken.

In such an enterprize, it was impossible to bring off the sick and wounded; the comptroller of the hospital, D. Manuel Miguel Mellado, remained with them to go through the form of delivering up the ruins, and provide for their safety, that they might not be surprised by a merciless enemy. Such of the invalids as were best able mounted guard, the gates were closed, and the draw-bridges raised; and in this state Mellado anxiously waited for what might happen. Half an hour before midnight, a brisk fire of musketry was poured in upon the flanks of the ravelin, and of St Francisco. Mellado called out to the enemy to cease firing, for the fort was theirs, and requested them to wait till the morning, that he might deliver a letter from the governor to the French general. They replied, they would suffer no delay, the gates must instantly be opened; and if not, they had ladders, and would enter and put every man to the sword. He, however, told them he would not open the gates till he had seen their general; upon this they renewed their fire, setting up a loud shout, like men who were about to obtain possession of their prey. Mellado hastened to the bulwark of St Barbara, where he apprehended the escalade would be made, and there he perceived that the enemy, who had found a rope-ladder in the covered way, were endeavouring to grapple the draw-bridge with it; but, either from the weight of the rope, which rendered it difficult to be thrown, or because the irons were not sufficiently sharp to lay hold, their

attempts were frustrated. This Mellado could not foresee, and knowing that no time was to be lost, he hastened out through a covered way to the nearest work of the enemy, and called out to the commandant, requesting him to stop the assault, and send him to the general, that he might deliver the governor's letter; the party who were flanking the ravelin no sooner heard his voice, than they fired a volley towards it; upon which, without waiting for an answer, he hastened to the nearest centinel of the French, and the captain of the guard conducted him to the French commandant in the town; whom he entreated to have compassion upon the wounded in the fort, and call off the assailants. This officer was a man of humanity, and instantly sent off to suspend the assault, while Mellado, who was now delivered from his fears for his poor defenceless countrymen, was escorted to the general. In the morning the gates were opened to the enemy. The French soldiers gave sufficient proof how little mercy the wounded would have found at their hands, had they been under no controul, for they stript the clothes and blankets from the beds of these helpless men. The Italian General Mazzachelli gave orders that they should be conveyed to Gerona; and Mellado, having seen this performed, and perceiving that it was intended to detain him and his assistants as prisoners, took the first opportunity of making his escape.

At the very time when the garrison of Hostalrich, after a four month's defence, and a bombardment, during which between three and four thousand shells were thrown into the place, thus gallantly effected their retreat, the Catalans suffered another loss. The islands and fortress of Las Medas, which were of material importance from their position on the coast, were surprised by a party of Neapolitan infantry, and given up in a manner which the French imputed to cowardice, though, by their own account, treason, on the part of the commander, was the only intelligible cause of their success. The important city of Lerida also was betrayed by a coward and a traitor. The town was entered by assault, in which the French perpetrated their usual cruelties, and the castle, whose works were uninjured, and which, under Alvarez or Estrada, might have rivalled Gerona, was surrendered the next day. For this there was no excuse; O'Donnell's last orders to the governor had been, that if the city should be taken, he was to defend the fortresses; and if no such orders had been given, his duty required him to hold out to the last extremity. The commander in chief, who rewarded the brave defenders of Hostalrich with a medal, stigmatized this act of cowardice or treason as it deserved; but he reminded the Catalans, that Tarragona, Tortosa, Cardona, Berga, Seu de Urgel, Coll de Ballaguer, and Mequinenza, still remained as bulwarks of the principality, and that if all these were lost, there would be their inaccessible mountains; and that when they began the war, they had neither army nor fortresses, for all their fortified places had been dismantled. A wound which he had received during the siege of Gerona, and which had never been healed, because he never allowed himself rest enough from the incessant and anxious activity of his situation, became now

May 13.

so threatening, that he was constrained for a while to withdraw from the command. Augereau also about the same time was recalled; his success in sieges did not expiate, in Buonaparte's eyes, the losses which he had sustained in the flying warfare of the patriots; and Macdonald, the French Duke of Tarento, was sent to supersede him. Augereau escorted with him into France the plunder of Barcelona; and it was remarked in the Catalan papers, that of all the officers who formed this escort, General Chabran was the only one who did not at his departure rob the house in which he had been quartered, but returned the spoons which he had used to their owner.

O'Donnell did wisely in preparing the Catalans to rely more upon the strength of their country, and their own unconquerable spirit, than upon walls and fortresses. It was not long before his wound healed, and he was enabled to resume the command; but he could not prevent the loss of Mequinenza, an old town with a fortified castle, which commanded the navigation of the Ebro, being situated just where that river receives the Segra. It was besieged immediately after Lerida had been so basely surrendered: the works were in themselves very imperfect, and had long been neglected, having since the Succession War received only such hasty repairs as had been made during the present danger. D. Manuel Carbon commanded there; the enemy twice attempted to carry the town by storm on the night of the 2d of June, and were repulsed with considerable loss. The place was defended till the garrison were exhausted by incessant attacks, and the works were reduced to a heap of ruins; and it fell, after a brave defence, in the fourth week of the siege. By the fall of Mequinenza the course of the Ebro from Zaragoza was left open to the enemy, and Suchet immediately prepared to besiege Tortosa.

Suchet had under his command in Aragon at this time about 16,000 foot, and 1600 cavalry. Macdonald's force in Catalonia was about 17,000 men. O'Donnell's was the only regular force opposed to both: D. Francisco Palafox had the command in Aragon; but though small parties of patriots carried on a harassing and wasting war against the invaders, the efforts of the Aragoneze were by no means equal to those of the Catalans; and Valencia, having delivered itself from the enemy, did not exert itself, as duty and interest equally required, to assist the neighbouring provinces. O'Donnell therefore, almost unassisted, was left to oppose the combined operations of both armies. Tortosa stands upon the left back of the Ebro, about four leagues from the sea; a city of some extent, which had once been well fortified, and was still capable of making a long defence. The Count de Alacha D. Miguel Lili was appointed governor as soon as it was certain that the place was to be besieged; he had displayed such skill, and enterprize, and endurance in the memorable * retreat which he made with a handful of men after the battle of Tudela, that it was thought a man more adequate to the duties of this important station could not have been chosen.

Suchet began his preparations against Tortosa immediately after Mequinenza had fallen, and encamped before it on both sides of the Ebro

* See Vol. II. Part I. p. 477.

at the beginning of July. Before Macdonald could co-operate with him, it was necessary to secure the entrance of a convoy into Barcelona; for the patriots, in spite of all the enemy's force, kept up such an active warfare upon the Llobregat, that that city was always in some degree blockaded.

July 18. Macdonald brought 12,000 men to cover the entrance of these provisions; with 8000 he attacked the force which O'Donnell had sent to intercept it, while the remaining four escorted the convoy within the walls. The French effected their purpose through an error of the armed peasantry, who ought to have attacked the rear of the convoy, but were too intent upon pursuing an advantage where it was of less importance.

The main efforts of O'Donnell were directed to the relief of Tortosa, and the manner in which, by his incessant activity, he impeded the siege for many months, affords the strongest proof of military talents. Macdonald, to distract his attention, and thus favour the operations of Suchet, made a movement about the end of August upon Tarragona, and a warm skirmish took place in sight of the city, so near the sea, that the guns of an English frigate were enabled to contribute materially to the success of the Spaniards; the enemy then retreated from the plain of Tarragona, having derived no other advantage from their attempt than the plunder of the town of Reus. Sarsfield and Ibarrola harassed them in their retreat, recovered part of the booty, made 130 prisoners, and killed and wounded about 300.

After this repulse, Macdonald took a position near Cervera, as a central point, from whence he could cover Suchet's army before Tortosa, and threaten the rear of the Spanish force upon the line of the Llobregat, while at the same time he occupied an extent of country capable of supplying him with provisions. O'Donnell was at this time about to renew the system of warfare which had proved so successful against Augereau, and this movement of Macdonald's enabled him to do it with more advantage. He embarked a small detachment, provided with artillery, at Tarragona, which sailed under convoy of a small Spanish squadron, and the Cambrian frigate. On the sixth of September he put himself at the head of a division, and leaving the Marquis of Campoverde to throw up works near La Beguda, and secure him on that side, proceeded to Esparraguera; from thence he reconnoitred El Bruch, and Casamasanas, and leaving Eroles to guard that position, ordered Brigadier Georget to take post at Mombuy, close by Igualada; and Camp-Marshal D. Jose Obispo to advance by a forced march from Momblanch, to the heights upon the right and left of Martorell. This was on the ninth; that same night he ordered Campoverde to march the following morning for San Culgat del Valles, reinforce Georget with one battalion, and join him. On the tenth, the whole division reached Mataro, and joined on the day following. There, on the morning of the twelfth, one party, under D. Honorato de Fleyres, an officer of engineers, was dispatched to take post that night at the Ermida, or Chapel of St Grau; and O'Donnell moved for Tordera, sending off two detachments to Hostalrich and Gerona, which he was about to leave in his rear, that by appearing before the walls they might induce the garrisons to suppose he was reconnoitring them with a view to invest those places.

This service they executed with great success; one party bringing off nine prisoners from the suburbs of Hostalrich, the other eleven from under the walls of Lérida. A field-piece and a mortar were landed at Calella; with this artillery O'Donnell halted for the night at Vidreras, and prepared to attack General Schwartz on the following morning at Bisbal, to prevent him from succouring St Felio de Guixols and Palamos, which Fleyres was to attack at the same time. From Vidreras to Bisbal, is a distance, which, in that country, where distances are measured by time, is computed at eight hours. At day-break on the 14th, he advanced with the regiment of Numantia, 60 hussars, and 100 volunteers from the corps of Iliberia, Aragon, and Gerona: the regiment of Iliberia followed him at a less exhausting pace; the rest of the division, under Campoverde, went by Llagostera to take post in the valley of Aro, where it might act as a body of reserve, and cut off the communication of the enemy, in case they should retire from the points which they occupied. O'Donnell proceeded so rapidly, that he performed the usual journey of eight hours in little more than four; the infantry keeping up with the horse at a brisk trot the whole way. As soon as they approached the place, they occupied all the entrances, to prevent the enemy, who had shut themselves up in an old castle, from escaping; the infantry took possession of the houses near the castle, and began to fire upon it, while others ascended the church tower, rung the somaten, and from thence also fired upon the castle. The peasants who were within the sound took arms; O'Donnell, seeing that musketry was of little avail, and that Schwartz did not surrender at his summons, resolved to set fire to the gates; but approaching too near, he received a musket-ball in his right leg: just at this time a party of 100 foot, and 32 cuirassiers, came from the side of Torruella, to succour their friends at Bisbal. The corps of reserve charged them; the cuirassiers fled towards Gerona; the infantry were all taken, as was also a small convoy with its escort. The regiment of Iliberia also now came up, and at night-fall Schwartz was glad to obtain the honours of war, and surrender with his whole party, consisting of 650 men, and 42 officers.

Fleyres meantime, leaving St Grau at two in the morning of the same day, divided his little force, that he might attack St Felio de Guixols and Palamos at the same time. Against the latter place he dispatched D. Tadeo Aldea, with 300 foot and 20 horse; he himself, with the same number of horse and 250 foot, proceeded against St Felio; and 150 men were left, as a reserve for both parties, upon the heights of the road of La Zeroles. After some resistance at St Felio, in which the French lost 36 men, they surrendered, dismayed, as it appears, at O'Donnell's name: 270 men and eight officers were taken here. At Palamos the success was equally complete. Here the squadron co-operated, and more resistance was made, for the enemy had batteries which they defended; but after the loss of 60 men, 255, with seven officers, surrendered: 70 more were taken by Fleyres in the castle of Calonje. The squadron on its way, on board of which General Doyle had embarked, met with equal success at Bagur; and the result of the expedition was, that more than 1200 men,

with threescore officers, and 17 pieces of artillery, were taken.

This expedition was planned and executed with equal ability; but the success, complete as it was, was dearly purchased, for O'Donnell was disabled by his wound. A reinforcement of 10,000 French en-

Dec. 13. tered Catalonia. The boats of the English squadron attacked a convoy of 11 vessels, laden with provisions for Barcelona, in Palamos Bay, which the enemy had reoccupied: the batteries which protected them were destroyed, the magazines blown up, two of the vessels brought out, and the rest burnt; but our men, having completely effected their object, retired in some disorder; the French were joined by a party from St Feliò, and the English, instead of retreating to the beach, where the ships would have covered their embarkation, made for the mole, thoughtlessly taking their way through the town, which the enemy had now occupied. The boats made instantly to their assistance, and suffered severely in bringing them off. Our total loss amounted to 33 killed, 89 wounded, and 86 taken prisoners. Captain Fane, of the Cambrian, was among the latter. Campoverde, Eroles, and Sarsfield continued to make head against Macdonald, notwithstanding the reinforcement which he had received; but O'Donnell was compelled to quit the command, and retire to Majorca, to be healed of his wound. His activity and successful enterprizes had gained him the entire confidence of the Spaniards, and made him the terror of the enemy, and his loss therefore was severely felt. Suchet, who had been impeded five months in his operations against Tortosa by the incessant vigilance of the Catalans, was at length enabled to break ground before it. The Valencians, under General Bassecourt, made an attempt to relieve it, and were defeated at Uldecona, on the 26th of November. After this victory Suchet pursued the siege without interruption, for the Catalan generals were sufficiently occupied by Macdonald. The place was not defended as might have been expected from Lili's former conduct, nor as it ought to have been: after thirteen days of open trenches, and four days of bombardment, the French had established themselves at the bottom of the ditch; they had carried on mining operations for two days, and there were three practicable breaches in the body of the place. There were 7800 troops within the town; but Lili, instead of withstanding an assault, surrendered at discretion. The French, to excuse this surrender, asserted that the garrison could not have defended themselves an hour longer without being put to the sword. The Spaniards thought otherwise; they remembered what Mariano Alvarez had done at Gerona, where a French army, equal in number to that of Suchet, lay for ten weeks in sight of an open breach, which they did not dare assault a second time. They pronounced sentence of death against the Count de Alacha, for having thus delivered up a city which he had so much better means of defending, and beheaded him in effigy in the market-place of Tarragona. This surrender took place on the 2d of January, and a few days afterwards Coll de Balaguer was lost also, either by the treachery or cowardice of those who should have defended it. But the spirit of the province remained unbroken, though the loss of Tortosa cut off its communication with Va-

lencia, the great object of the French being, as they said, to insulate Catalonia from the rest of Spain; and preparations were immediately made for the investment of Tarragona, the last of its strongholds, and the most important, because of its port. It is painful to reflect, that at any time during the war ten thousand British troops would have turned the scale in this part of Spain.

CHAP. XIV.

State of Portugal. Portugueze Troops taken into British pay. Debates upon that Subject. Portugueze Army reformed by Marshal Beresford.

AFTER the battle of Ocana, Lord Wellington clearly perceived what would be the business of the ensuing year. There was no longer a Spanish army in the field capable of occupying the attention of the enemy, and the continental peace left Buonaparte at liberty to employ his whole force in the nefarious project of subjugating the peninsula. It could not therefore be doubted that he would make the utmost efforts to destroy the English army, and obtain possession of Portugal; the former of which objects, could he effect it, would be as gratifying to his pride, and his rancorous hatred of the British name, as the latter was essential to the fulfilment of his ambitious projects. Well aware of this, Lord Wellington, from the time that he found it impossible to co-operate with the Spanish armies, began to prepare for the defence of Portugal.

The Portugueze army had taken the field almost as soon as Marshal Beresford was appointed to the command, so that little or nothing had been done towards improving it. The army, indeed, like the government of that country at the commencement of this new era, was in the worst possible condition; both were in the lowest state of degradation to which inveterate ignorance and imbecility could reduce them. Portugal had excellent laws, and a constitution, the restoration of which might satisfy the most enlightened of her patriots; but her laws and her constitution had long been suspended by a stupid despotism, and the noble character of the people seemed to be suspended with them. In every department, from the highest to the lowest, the rankest abuses prevailed; and had it not been for the activity which was kept alive by their commercial relations, the institutions of the realm were in such a state, that the Portugueze would soon have ceased to be ranked among civilized nations. Yet such are the effects of commerce, that it was an improving country, in spite of its government, its idolatry, its inquisition, the degeneracy of the higher ranks, the decay of learning, and all the other evils attendant upon the total loss of liberty. Had it not been for the French revolution, Spain and Portugal might have fermented and purified themselves of their civil abuses.

The government of Portugal ought at this time to have been completely under our controul. The events in Spain had enabled us twice to expel

the French, and we were now preparing to protect their country against a third invasion. Notwithstanding the spirit of the people, they could not have defended themselves without our assistance, because of the general disorganization; and it was necessary that we should carry on the war as principals, rather than allies. The Prince of Brazil had given us full powers for this, and as soon as the troops went into winter quarters, Marshal Beresford began the task of reforming and disciplining the Portugueze army: how capable the men were of being made good soldiers, had been sufficiently proved by Sir Robert Wilson, if it could be supposed to require proof. Early in the session, parliament was informed that the king had authorized pecuniary advances to be made to Portugal, in support of its military exertions, and had made an arrangement for the maintenance of a body of troops not exceeding 30,000 men. 20,000 we already had in our pay, the sum for whom was estimated at 600,000l.; for the additional ten, it was stated at 250,000l., to which was to be added a farther sum of 130,000l. for the maintenance of the officers to be employed in training these levies, and preparing them to act in conjunction with the British troops. This led to a very interesting debate in the House of Lords. Marquis Wellesley affirmed, "that Portugal was the most material military position that could be occupied for the purpose of assisting Spain: he was ready to admit that great disasters had lately befallen the Spanish cause,—he admitted it with pain and regret, and no person could view them with deeper concern than he did; but still they were far from sinking his mind into despair. Still he would contend, it was neither politic nor just to manifest any intention of abandoning Portugal. And here he would call upon their lordships distinctly to say, whether they were prepared to withdraw the British troops from Portugal, and thus dispirit that country, and induce her to relax her efforts for her own defence? What advantage could be derived from thus casting over our own councils, and the hopes of Portugal and Spain, the hue and complexion of despair? To tell them that the hour of their fate was arrived; that all attempts to assist them, or even to inspirit their exertions in their own defence, were now of no avail; that they must bow the neck and submit to the yoke of a merciless invader? This indeed would be to strew the conqueror's path with flowers, to prepare the way for his triumphal march to the throne of the two kingdoms. Was it then for this that so much treasure had been expended, that so much of the blood had been shed of those gallant and loyal nations? Whatever calamities and disasters had befallen them, they were not imputable to the people of Spain. The spirit of the people was excellent, and he still ventured to hope that it would prove unconquerable. All their defeats and disasters were solely to be ascribed to the vices of their government. It was his decided opinion, and he would not hesitate again to repeat it, that it was the imbecility, or treachery, of that vile and wretched government which first opened the breach through which the enemy entered into the heart of Spain; that delivered into hostile hands all the fortresses of that country; and betrayed her people defenceless and unarmed into the power of a perfidious foe. Let us not contribute to accomplish what they have

Feb. 22.

so inauspiciously begun. Let not their lordships come to any resolution that can justify Portugal in relaxing her exertions, or Spain in considering her cause as hopeless. Yet what other consequence would result from prematurely withdrawing the British troops from Portugal, or retracting the grounds upon which we have hitherto assisted her ?"

Lord Grenville replied. "He felt it," he said, "an ungrateful task, a painful duty, to recal the attention of their lordships to his former predictions, which they had despised and rejected, but which were now, all of them, too fatally fulfilled. His object, however, was not a mere barren censure of past errors, but rather, from a consideration of those errors, to conjure them to rescue the country from a continuance of the same disasters, and to pay some regard to the lives of their fellow citizens. Were they disposed to sit in that house day after day, and year after year, spectators of wasteful expenditure, and the useless effusion of so much of the best blood of the country, in hopeless, calamitous, and disgraceful efforts ? It was a sacred duty imposed upon them to see that not one more life was wasted, not one more drop of blood shed unprofitably, where no thinking man could say that, by any human possibility, such dreadful sacrifices could be made with any prospect of advantage. Was there any man that heard him, who in his conscience believed that even the sacrifice of the whole of that brave British army would secure the kingdom of Portugal ? If," said he, "I receive from any person an answer in affirmative, I shall be able to judge by that answer of the capacity of such a person for the government of this country, or even for the transaction of public business in a deliberative assembly. By whatever circumstances, by whatever kind of fate it was, I must say, in point of fact, that, in my opinion, I always thought the object of the enterprize impossible ; but now I believe it is known to all the people of this country, that it has become certainly impossible. Was it then too much to ask of their lordships that another million should not be wasted, when nothing short of a divine miracle could render it effectual to its proposed object ?" In these strong and explicit terms did Lord Grenville declare his opinion, that it was impossible for a British army to secure Portugal ; and thus distinctly did he affirm, that the opinion of a statesman upon this single point was a sufficient test of his capacity for government.

After touching upon the convention of Cintra and Sir John Moore's retreat, he spoke of the impolicy of our conduct in Portugal. And here it is to be wished that the feelings of government had anticipated, or followed him. "If those," he said, "who had the management of public affairs had possessed any wisdom, any capacity for enlightened policy in the regulation of a nation's interests and constitution, any right or sound feelings with regard to the happiness of their fellow creatures, here most fortunately had been a wide field opened to them. They had got the possession of the kingdom of our ally, with its government dissolved, and no means existing within it for the establishment of any regular authority or civil administration, but such as the British government alone should suggest. Here had been a glorious opportunity for raising the Portugueze nation from that wretched and degraded condition to which a lengthened succession of mental ignorance

civil oppression, and political tyranny and prostitution, had reduced it. Was not that an opportunity, which any men capable of enlarged and liberal views of policy, and influenced by any just feelings for the interests of their fellow creatures, would have eagerly availed themselves of? Would not such men have seized with avidity the favourable occasion to rescue the population of that country from that influence of ignorance and political debasement, which rendered the inhabitants incapable of any public spirit or national feeling? At that period there occurred a most favourable interval for the adoption of such measures, before the French could have re-entered the Portugueze territory over the bleeding carcases of the patriots of Spain. Here was a task worthy of the greatest statesmen; here was an object, in the accomplishment of which there were no talents so transcendant, no capacity so enlarged, no ability so comprehensive, that might not have been well, and beneficially, and gloriously employed. It was a work well suited to a wise and liberal policy; to an enlarged and generous spirit; to every just feeling and sound principle of national interests, to impart the blessings of the free institutions of a free government to the inhabitants of a country so long oppressed and disgraced by the greatest tyranny that had ever existed in any nation of Europe."

These sentiments were wise and liberal; but Lord Grenville, who had been a member of the anti-jacobin cabinet, ought not to have wondered if a little of the original sin, which precipitated this country into the revolutionary war, continued still to influence the government in its conduct. After pointing out with too much truth in what manner time had been lost in arming and disciplining the Portugueze, he relapsed into his strain of hopeless and unhappy prophecy. "He did not," he said, "mean to undervalue the services or the character of the Portugueze soldiery, whom he considered as possessing qualities capable of being made useful, but he would never admit that they would form a force competent to the defence of the kingdom; they might be useful in desultory warfare, but must be wholly unfit for co-operation with a regular army. He was not afraid, therefore, of any responsibility that might be incurred by his stating, that if the safety of the British army was to be committed on the expectation of such co-operation, it would be exposed to most imminent and perhaps inevitable hazard. But if these 30,000 men were not composed of undisciplined peasants and raw recruits, but consisted of British troops, in addition to the British army already in Portugal, he should consider it nothing but infatuation to think of defending Portugal, even with such a force. He was aware it might be said, that Portugal, considered with respect to its geographical advantages, was capable of being effectually defended. He was not afraid, however, to assert, that against a power possessing the whole means of Spain, as he must suppose the French to do at this moment, Portugal, so far from being the most defensible, was the least defensible of any country in Europe. It had the longest line of frontier, compared with its actual extent, of any other nation; besides, from its narrowness, its line of defence would be more likely to be turned; and an invading enemy would derive great advantages from its local circumstances. As to the means of practical defence

afforded by its mountains, he should only ask, whether the experience of the last seventeen years had taught the world nothing; whether its instructive lessons were wholly thrown away? Could it be supposed that a country so circumstanced, with a population without spirit, and a foreign general exercising little short of arbitrary power within it, was capable of any effectual defence?" Lord Grenville concluded this memorable speech, by moving, as an amendment to the usual address, "that the house would without delay enter upon the consideration of these most important subjects, in the present difficult and alarming state of these realms."

To the better part of this speech the Earl of Liverpool replied by what was in reality a confession of weakness. "He would not deny," he said, "that, in the course of the last seventeen years, circumstances had occurred which rendered an implicit adherence to the generally received and established principles of our national policy, a question of great difficulty. But nothing had arisen which, as far as regarded the ancient connection between this country and Portugal, would, in his apprehension, justify a sudden departure from that line of conduct which we had observed for a century and a half towards that power." This was a feeble reply; for our line of conduct towards Portugal had been suddenly and necessarily changed. In the progress of a contest, wherein our own vital interests as well as her's were at stake, our battles were to be fought in Portugal; and the military resources of the country were intrusted to us by the prince with the confidence which we deserve at his hands. But if those resources could be increased,—as indisputably they would have been, and that in a most material degree, —by setting on foot such measures of reform that the restoration of the old constitution should have kept pace with the political regeneration of Spain, it was our duty, both to the prince and the people, to have exerted our whole influence in bringing about this important object. It might have been made the condition of our assistance,—but that would not have been necessary; Prince Joam is a good and conscientious man, worthy to have had better advisers than it has ever yet been his fortune to find. That which he believed to be his duty, he would endeavour conscientiously to perform. He should be told, that if his counsellors persist in opposing every measure of reform, it is not possible that the Portugueze should remain enslaved, while the Spaniards are free. Let them proceed, like the Spaniards, steadily and temperately with the work of reformation, and the event of this glorious struggle will probably be the union of Spain and Portugal in the Braganza line. But if he persist in continuing the old, destructive, and suicidal system, instead of resuming the throne of Portugal, even the alliance of England will not be sufficient to support him upon that of Brazil. It is in his own choice to be the last, or the greatest of his line. Such language might startle him, but if it came from an old and faithful ally, of whose strength and services he was every day receiving fresh proofs, and whose honour was above suspicion, it would influence him also; and he as well as his people, Brazilian and Portugueze, would bless us for our interference.

"It was not the fault of ministers," Lord Liverpool continued, "nor of the person whom they had sent there as his majesty's representative, and

who had discharged his duty diligently and faithfully, if the exertions of the Portugueze government were not correspondent to the danger of the crisis. The state of the country must be recollected, which might truly be said to have been without a government; all the antient and established authorities having disappeared with the prince regent. But, under these unpromising circumstances, every thing was done which could be done. There was no time lost; there was no exertion untried; there was no measure neglected. Never were greater exertions made to provide a sufficient force, and never were they more successful. As to the objection, that the troops had seen no service, every army must have a beginning. If Lord Grenville was not inclined to concur in the principle of the proposed measure, let him declare it; not by a side wind, not by an indirect attack on ministers, but by an immediate and explicit motion to withdraw the army from Portugal. If the defence of that country was of that hopeless and desperate nature that the noble baron conceived it, the sooner the army was withdrawn the better. He had talked as if war had not its chances and reverses, as if the risks in military operations were not always proportioned to the magnitude of the object, and had triumphantly asked, what have we gained in the peninsula? What have we gained! why, we have gained the hearts and affections of the whole population of Spain and Portugal; we have gained that of which no triumphs, no successes of the enemy could deprive us. In Portugal, such is the affection of the inhabitants, that there is no want of a British soldier that is not instantly and cheerfully supplied. Look to Spain! What is the feeling of the people of Spain, even in this awful moment of national convulsion and existing revolution? It is that of the most complete deference to the British minister and government; and so perfect is their confidence in both, that they have placed their fleet under the orders of the British admiral. Would a cold, cautious, and phlegmatic system of policy have ever produced such proofs of unbounded confidence? Would indifference have produced those strong and signal proofs of affection? Whatever might be the issue of the contest in Spain, to this country would always remain the proud satisfaction of having done its duty. He trusted we should never abandon Spain, so long as any hope remained of the possibility of ultimate success. We were bound by every sentiment of honour and good faith to support a people who had given proofs of honour, of good faith, and of bravery, which have not been exceeded by any nation that has existed."

Earl Moira replied to this animated appeal, by delivering opinions which, as a soldier, he would never have conceived, if he had not been possessed by party-spirit. "Every thing which the ministers attempted," he said, "was marked by imprudence and mismanagement; their whole career betrayed, as the universal opinion of the public pronounced, a total want of judgement, foresight, and vigour; and, as the climax of error, they now seemed resolved to defend Portugal, according to a plan of defence, too, which was perfectly impracticable. For it was utterly ridiculous to suppose, that the ideas of the Count La Lippe, as to the practicability of defending Portugal from invasion, could now be relied upon. In fact, nothing could be gained from the attempt, whilst the danger was

certain. We should be allowed to retain Portugal, under our present system, just so long as Buonaparte thought proper. The administration of these men had been marked by the annihilation of every foreign hope, and the reduction of every domestic resource; they who vaunted of their resolution and power to protect and liberate the continent, had only succeeded in bringing danger close to our own shores. And why? because they sacrificed the interests of the nation, and violated every principle of public duty, to gratify their personal ambition and personal cupidity. He was speaking the language of ninety men out of a hundred of the whole population of the country, when he asserted, that they deserved marked reprobation, and exemplary punishment."

Viscount Sidmouth regretted the opportunities which had been lost, but, with his English feeling and his usual fairness, insisted that it was incumbent upon us to stand by our allies to the uttermost. The Marquis of Lansdown objected to the measures of ministry more temperately and decorously than his colleagues in opposition; but he joined in those slanders which were so profusely lavished upon the Portugueze by journalists as ignorant as they were unfeeling; and he asserted, that it was always bad policy to become a principal in a continental war; and such we should be if the proposed force was to be kept up in Portugal.—Lord Erskine spoke in a strain of acrimonious contempt, mingled with irrelevant accusations and unbecoming levity. "The conduct of ministers, in retaining Walcheren," he said, "was most criminal;—speaking as a lawyer, he would call it a murderous act. And yet they challenged a motion for their dismissal! Such a motion was indeed suspended over their heads; and God knows," said he, "it is of little consequence whether they are on or off. But as to the retention of Portugal, it is stated that a native army is collecting in that country, and our money is to be sent there for its support. What fatality! There really seems to be a sort of predestination, which I will leave to the reverend bench to explain, that whenever the French take any country, or any prisoners, they shall have some of our money also. I can hardly account for the infatuation which possesses those men, who suppose they can defend Portugal by sending a supply of British money there. It might as well, in fact, be expected to accomplish that by sending over the woolsack, with my noble and learned friend upon it."

The ministers must have been well pleased with the conduct of their opponents in these debates; they could not have desired any thing more favourable to themselves than the intemperance which had been displayed, and the rash assertions, and more rash predictions, which had been so boldly hazarded against them. Those members of the opposition who did not regard every thing in the light of party, agreed with them; the Earl of Buckinghamshire, like Lord Sidmouth, said, they had a difficult game to play, but it was indispensable that they should not be impeded in their proceedings. The Portugueze campaign might terminate well or ill; but it was a claim on British honour, that Portugal should not be deserted.—Lord Holland said, "he could not understand how these noble lords could give their confidence to ministers without being assured that their confidence was deserved. We were obliged in honour to do what we could for Portugal, without injury to our-

selves,—in honour—for that was the only motive that ought to interest the feelings, or excite the hearts of this or any other people. But if we were to embark in the cause of that sinking people, we were not to load them with our imbecility, in addition to their own weakness. A great plan was necessary: nothing neutral or narrow, nothing minute, nothing temporary, could enter into the principle of such a plan; but for this, qualities were requisite which no man could hope for in the present ministry. Where was the address, the ability, the knowledge, the public spirit, that were the soul of success in such a cause? He found them shifting from object to object, and hanging their hope on every weak and bending support, that failed them in the first moment of pressure. They cheered themselves with little circumstances. They first sustained themselves on the improvement of the Portugueze army, then on the free turn which their constitution was to receive. He thought, that for defence no government could be too free; by that he meant too democratic; the words might not be synonymous, but it was in such governments that men felt of what they were capable; there was then the full stretch of all the powers. There was a great struggle, a great allay of the baser passions; but there rose from them a spirit vigorous, subtilized, and pure; there was the triumph of all the vehement principles of the nation; the rapid intelligence, the bold decision, the daring courage, the stern love of country. It was in the hour of struggle that men started up among the ranks of the shrinking people; those bright shapes of valour and virtue that gave a new life to the people; those surpassing forms of dignity and splendour that suddenly rose up, as if by miracle, among the host, rushed to the front of the battle, and, as in the days of old, by their sole appearance turned the victory. But where was the symptom of a love for free government in the conduct of the ministry? The government of Portugal had been absolutely in their hands; had they disburthened it of its obstructions to freedom? had they pointed its aspect towards democracy? It would be criminal to force a nation to a defence which might draw down ruin on them. But if we were found to withdraw from the contest, it was possible for us to do so without degrading the country by any base avidity for little gains, by seizing upon any of those little pieces of plunder, which were already so tempting, and apt to overpower our resistance to the temptation. We might leave the country of our ally with the spirit of friendship and the purity of honour. It was of great moment to us, in even that meanest and lowest view of policy, to leave the people of the peninsula our friends, but we must be actuated by a higher principle, and be regretted and revered by those whom we were forced to abandon. He could not expect this from his majesty's ministers, and therefore could not think their hands fit to wield the resources, or sustain the character of the British empire."

Lord Holland therefore voted for the amendment, the object of which was, that the cause of the peninsula should be given up as hopeless. Had he known the Portugueze as well as he knew the Spaniards, he would have esteemed them as highly, and not have despaired of Portugal; and had his judgement not been warped by those influences, from which it is scarcely possible that any man who lives in a political atmosphere can wholly escape,

he would have supported any administration which would stand by Portugal and Spain. In the present state of the world, this was the point of paramount importance; all other political questions, whether foreign or domestic, were comparatively insignificant. On this point Lord Holland felt with the ministers, but he voted with their opponents.

March 9. The debate was not less interesting in the Lower House, when Mr Perceval moved in the Committee of Supply for a sum not exceeding 980,000l. for the defence of Portugal; "a vote," he said, "so consistent with the feelings which the house had professed on former occasions, that he should not have expected any opposition to it. He reminded the house, that those who opposed it had been always of opinion that it was impossible for Spain to hold out so long; that if she succeeded at all, she must succeed at once; but that she could never maintain a protracted contest against the disciplined armies and enormous resources of France. This was their declared and recorded opinion; but what was the fact? Spain had continued the struggle. France might occupy the country with an army, but her power would be confined within the limits of her military posts, and it would require nearly as large an army to keep possession of it as to make the conquest. There never had existed a military power capable of subduing a population possessing the mind, and heart, and soul of the Spaniards. They might sustain reverses; but the very victories and triumphs of their enemies would teach them discipline, and infuse into them a spirit which would ultimately be the ruin of their oppressors. Under these circumstances, would it be wise to abandon Portugal? The last Austrian war had arisen in a great measure out of the contest in the peninsula, and during the progress of that war, however calamitous the result had proved, it would be in the recollection of the house, that one other day's successful resistance of the French by the Austrians might have overthrown the accumulated power of the enemy. Such events might again take place, for no man could anticipate, in the present state of the world, what might arise in the course of a short time; but be that as it might, as long as the contest was, or could be, maintained in the peninsula, the best policy of this country was to support and promote it."

To this Sir John Newport replied, "he was astonished it could be supposed that such a motion could be agreed to without opposition; for if any question could provoke opposition, it must be that which would make them continue efforts in a cause which every one but the ministers considered hopeless. As for the recorded opinion of Parliament which had been alluded to, Parliament was pledged to support the Spaniards while they were true to themselves; but that they had been true to themselves he denied." Then assuming, as a thing of course, that the French must necessarily drive us out of Portugal, he asked what was to be done with the 30,000 Portugueze soldiers. "Were they to be brought to this country, and added to the already enormous foreign army in its service? or were they to be sent to Brazil? or to be left fully equipped, and ready to add to the military force of Buonaparte?" In the course of his speech Sir John Newport endeavoured to show that the Portugueze levies had not been expedited as they ought to

have been. Mr Villiers, who had been our minister in Portugal, made answer, "that the government was administered with great vigour. Large supplies of money had been raised to meet the public exigencies; the old military constitution of the country had been restored; the finances were ably administered and well collected; and the war department conducted with much energy and ability. If Spain had done its duty equally with Portugal, in supporting the efforts of Great Britain, its cause would already have triumphed, and there would not now have been a Frenchman upon the Spanish territory."

Mr Curwen said, "that as the Portugueze people had suffered a French army to overrun their country without any resistance, he was not for placing much reliance upon the Portugueze troops. If the enemy could point out what he would wish that we should undertake, his first wish would be that we should attempt to defend Portugal." Mr Curwen then proceeded to speak of the profusion and extravagance of the government. "Buonaparte," he said, "could not receive more cheering hopes of ultimate success, than he would derive from learning that the present ministers were to continue in office, and that the House of Commons still persisted in placing a blind confidence in them, and enabling them to enter upon measures which, in their inevitable result, could not fail to answer all his purposes. The vote of the house this night, if it should decide against attempting the defence of Portugal, would be more important than if we were to take half the French army prisoners."

Mr Leslie Foster then rose, and his speech, in the spirit that it breathed, and the knowledge which it displayed, formed a singular contrast to the harangues of the opposition. "The present proposition of his majesty," said he, "is partly connected with his past conduct towards the peninsula; it is but a continuance and extension of the same spirit of British resistance. It is now, however, open to the reprehension of two classes of politicians; those who think we never ought to have committed ourselves for the salvation of Portugal and Spain, and those who, having approved of that committal while the event appeared doubtful, think that the overwhelming power of France has at length brought this tragedy so nearly to a close, that nothing is left for us but to escape if possible from being sharers in its catastrophe. In support of these opinions they now appeal to events. Hope, they contend, has vanished, there is no longer room for prediction, history has already recorded, in letters of blood, the fate that awaits our perseverance. To me the aspect of the peninsula appears an enigma, which it is no reflection on any ministers not perfectly to have understood; a revolution bursting out at a period the least expected, exhibiting events in its progress the most singularly contradictory, and pregnant with results, which I still think no man living can foresee.—If, on the one hand, we are referred to the apathy of Gallicia during the retreat of Sir John Moore, if we are desired to remember Ocana and Tudela, and all the other scenes of the defeats which the Spaniards have endured, and endured without despondency, must we not in candour remember, that there was a battle of Baylen, and a battle of Valencia? Are we to shut our eyes to the extraordinary phenomenon, that in Catalonia, the very next province to France, the French, at this hour, appear to be as often the besie-

ged as the besiegers; and can we forget Zaragoza and Gerona? But above all, shall we not do justice to that singular obstinacy, to give it no more glorious a character, which has sustained their spirit under two hundred defeats, and which, in every period of the history of Spain, has formed its distinguishing characteristic? The expulsion of the Moors was the fruit of seven centuries of fighting uninterrupted, and of 3600 battles, in many of which the Spaniards had been defeated.—In the beaten but persevering Spaniards of these days, we may trace the descendants of those warriors, as easily as we recognize the sons of the conquerors of Cressy and of Agincourt in the English who fought at Talavera. We may trace the same individual fortitude and patience, the same enthusiastic superstition, the same persevering insensibility of failure, and, I will add, the same absolute indifference as to liberty, constitution, or cortes, that distinguished the expellers of the Moors. Because we feel that freedom is the first of blessings, it is too much to say that other nations are to be raised in arms by no other motives than its influence. History should have taught us, that there is another spirit prompting men to war, and which once poured all Europe forth in the Crusades; and however we may pronounce on the motives of our ancestors, the fact we cannot deny, that the greatest spectacle of embattled nations ever exhibited on the theatre of war, was under governments and systems which indeed were not worth the defending. I believe we may consider the inhabitants of the peninsula, first, as a multitude of hardy and patient peasantry, buried in ignorance and superstition, and accustomed from their cradles, by the traditions and the songs of their ancestors, to consider the sword as the natural companion of the cross; and almost inseparably to connect in idea the defence of their religion with the slaughter of their enemies; and with these predispositions goaded into madness by sixteen myriads of ecclesiastics, as ignorant almost as their flocks; but without an idea or a wish for freedom; with *Fernando Settimo* in their mouths, as an unmeaning watch-word, and fighting, if you will, for the continuance of the inquisition. And with these qualifications it is my most firm conviction, that they would have overwhelmed all the armies of France, but that it was their misfortune to be cursed with a nobility in all respects the opposite of the peasantry, differing from them, not merely in their moral qualities, but even in their physical appearance; a nobility of various degrees of worthlessness, but with a few brilliant exceptions, generally proportioned to the rank of their nobility; and further cursed by a government, (I speak not of their kings but of the junta,) both in its form and in its substance, the most abominable that ever repressed or betrayed the energies of a nation. Hence desperate from repeated treason, destitute of confidence, not in themselves but in their commanders, unable to stand before the French in battle, but still more unable to abstain from fighting. One rare and unquestionable feature they presented, a nation that would fight with France; and certain I am, that if we had not tried the experiment of fighting by their side, these very men, who now most loudly condemn the course we have pursued, would be calling for the impeachment of these ministers, who had neglected such glorious opportunities; who, in the crisis of the fate of France, had shrunk from the only field where there was a prospect of contending with

success; who had coldly refused our aid to the only allies who were ever worthy of British co-operation. It is too much an habit to call for the fruits of our battles, tacitly assuming that nothing but the absolute and complete attainment of our object can justify having fought them. I never can agree to measure the justification of a battle by the mere fruits of victory; yet even on this ground I must contend, that never were there laurels the more opposite of barren, than those which have been reaped by our countrymen in Spain. We, indeed, wanted not to be convinced that our army, equally as our navy, equalled in science, and exceeded in courage, that of any other nation in the world; but if we have any anxiety for our character with other armies, if reputation is strength, and if the reputation of a nation, as well as of an individual, consists not in the estimation in which it holds itself, but in the estimation in which it is held by others, is a false vanity to cause us to shut our eyes and ears to the opinions of other nations? Spain at least had been convinced by the exertions of her government, misrepresenting our failure at Buonas Ayres, and other scenes of our misfortunes, that Great Britain, omnipotent by sea, was ever ridiculous on land. So much so, that when the army of General Spencer was landed near Cadiz, than which a finer army never left the English shore, it was the wonder as well as the pity of the Spaniards, that such noble-looking soldiers should be so absolutely incapable of fighting; the 'beautiful' army was even the emphatic denomination by which the British forces were distinguished; and when Sir John Moore was known to be at length on his march, that the beautiful army, the '*hermoso exercito*,' was actually advancing, was a subject of Spanish surprise, at least as much as of Spanish exultation; but when that army had commenced its retreat, old impressions were revived with tenfold force, '*hermoso*' was no longer the epithet bestowed on it, but one which it is impossible for me to repeat. Nor let it be said, that Coruna was a full vindication of its fame. We indeed know that British heroism never shone more conspicuous than on that day; but the ray of glory which illuminated that last scene of our retreat, was but feebly reflected through the rest of Spain from that distant part of the peninsula. The French returned in triumph to Madrid, and boasted they had driven us into the sea; it was certain we were no longer on the land, and under such circumstances it is not surprising that Spain should have declined to have given to us all the credit which we really deserved. Some gentlemen, I see, are of opinion that it is no great matter what the Spaniards thought about us; but are we equally indifferent to the opinions of the French? Let us not too hastily conclude that they did full justice to our merits. We are told, indeed, that at Maida and in Egypt we had set that point at rest. Of Maida, I shall only say, that within the last month it has been, for the first time, mentioned in any newspaper of France, and that I believe nine tenths of the French soldiers have never heard either of the battle, or of the existence of such a place; and as to Egypt, surely every gentleman who has conversed in France upon that subject, must have found that their opinion is universally that which General Regnier, in his most able, but untrue representation, of those events, has laboured to impress, namely, that the treachery of Menou, and the detestation in which the army held the

service in Egypt, and their anxiety to return to France, were the real causes of their expulsion; and that an overwhelming force of ninety thousand men, of English, Turks, and Indians, which he says, and which they believe, we brought against them, furnished a decent excuse for their surrender. Let us remember too, that it was after these proofs of British military excellence, that Buonaparte, on the heights of Boulogne, parcelled out in promise to his soldiers the estates of the '*nation boutiquiere*;' let us remember also our own opinions in those days, how general engagements were to be avoided; how a system of bush-fighting was to be adopted in Kent; and our hopes that England might be saved after London might be lost, or what inundations we should make to protect it. Such language was then termed 'caution;' but on the proud eminence on which we are now placed, we may afford to acknowledge there was in it some mixture of distrust in the good old bayonet of Britain. Where are the promises of Buonaparte now? The very ridicule of such assertions would render it impossible for him to repeat them. It is these guilty ministers who have taught to him, and what I think of much more consequence, have taught to England, another style of conversation. They have fairly tried that point, so carefully avoided by their predecessors; they have brought our armies to a meeting with the finest armies of France; and have added more to our strength, as well as to our glory, by fighting in Spain, than their predecessors by abstaining from it in Poland.—Such is the view which I take of what is past: With respect to the second point, whether the time is indeed come, when our further assistance can only be destruction to ourselves, without being serviceable to our allies, a very little time must shew us that; and if there are indeed good grounds of hope, any premature expression of our despondency will certainly extinguish them. The junta is at length fortunately demolished. The French are again dispersed over every part of the peninsula; the people are still every where in arms. Let us not damp that spirit which may effect much, and which must effect something, which must at least give long employment to the forces of our enemy. If, indeed, it depended solely upon us, whether our allies should continue that sacrifice of blood which they have so profusely shed, I should not think us justifiable in purchasing our quiet at such a price; but convinced as I am, that whether we stand by them, or forsake them, those gallant nations will still continue to bleed at every pore, our assistance assumes a new character, and independent of the advantages to be derived to ourselves; independent of, I believe, 200,000 Frenchmen already fallen; independent of not less than 300,000 more required even to preserve existence in the peninsula; independent of Brazil and South America, for ever severed from our enemies; and independent of the fleets of the peninsula, I trust rescued from their grasp; independent of these gains to ourselves, there is another feeling binding upon a nation, as well as upon an individual, not to forsake our friend because he is in his greatest danger.—Still, however, I acknowledge a limit there must be, beyond which we cannot go, and whenever we can agree in declaring that

Funditus occidimus neque habet Fortuna regressum,

then, indeed, the first laws of self-preservation will call on us to disconti-

nue the contest. But surely Great Britain will not utter such a sentiment until her allies shall be disposed to join in it. They do not despair, and I will never despair of them so long as they do not despair of themselves, so long as I should leave it in their power to say to us at a future day, 'Whence these chains?—If you had stood firm a little longer, if you had not so soon fainted, we should not at this day be in the power of our enemies."

General Ferguson was the first person who rose after Mr Leslie Foster had concluded his able and manly speech. "He had been in Portugal," he said, "and thought it his duty to tell the house what he had reason to believe on the subject. In the first place, he did not think there were 30,000 soldiers in that country; those that there were, had certainly, by the exertions of General Beresford and other British officers, attained an appearance of discipline: but he feared that an army adequate to the task of now defending Portugal, must be able to make a stand in the first instance; and if obliged to retreat, must still, as opportunity offered, return to the charge; and thus make resistance after resistance. Now he was decidedly of opinion, from what he had seen and heard of them, that on the very first defeat the little discipline of the Portugueze army would vanish, and a dispersion be the consequence." It is due to the character of such a man as General Ferguson, to add in this place, that when the events of the ensuing autumn had shown how cruelly he wronged the Portugueze, he took the earliest opportunity of acknowledging his error, with the feelings of a Briton and a soldier.

Mr Fitzgerald asked whether ministers had employed transports to bring away our cavalry from Portugal; in this service, he said, our money would be best employed. He had never heard of any achievement performed by the Portugueze, except, indeed, that 2000 of them, with the bishop of Porto at their head, had entered Porto, and taken 24 Frenchmen prisoners.—Lord Milton repeated the erroneous proposition of the Marquis of Lansdowne, that it was highly improper to act as principals in a foreign country, instead of as auxiliaries. "No reasonable man," he affirmed, "could vote a million of the public money for such a purpose, when the French were under the walls of Cadiz. It had often been the practice to subsidize foreign troops, but he believed it had never before entered the head of any English statesman to grant subsidies to the Portugueze; to those, in fact, among whom the materials for an army could not be found." Mr Bankes talked of the money: "We had it not to spare, and if we had, even then we ought not to spare it. Too much money had already been furnished to the Spaniards. Where were we to find more? specie we had not, and paper would not answer. The enemy were now perhaps in possession of Cadiz, which had escaped immediate capture only through an accident. The cortes had not even a town in Spain to meet in. It was quite romantic to expect that a British army, of 20, or 25,000 men, even with whatever co-operation Portugal could give, would be able to maintain the war there as principal against France. He must oppose the motion, and recommend that the resources of the country should be husbanded for our defence."

Upon this, Mr Jacob, who was just returned from Spain, denied that France had any complete occupation

of that country, either civil or military. In Catalonia, it would be difficult to say, whether there were at this moment more Spanish towns besieged by the French, or towns occupied by French troops besieged by the Spaniards; and the communications were so completely cut off, that the French could not send a letter from Barcelona to Gerona, without an escort of at least 500 cavalry to protect it. Generally speaking, throughout the whole of Spain, those towns only were surrendered to them which were under the influence of the nobility and gentry of large estates; but the mass of the people were patriotic, and the villages were still defended after the towns had been betrayed. Not only the villages, but the mountains were still obstinately defended. He believed, that among the nobility and gentry, where there were two brothers, the man of great possessions was always for submitting to the enemy, while the other joined the patriotic standard. We had been accustomed to consider civil wars as the most horrible of all kinds of hostilities, but never was any civil war so horrible as that which was now raging in Spain. The massacre, the pillage, and the violence offered to women, were unparalleled. He had lately been witness to some of these dreadful atrocities. The town of Puerto Real had surrendered upon terms, and Victor, upon entering it, published a proclamation, promising the most perfect security to all the inhabitants. Nevertheless, he had hardly taken possession before he ordered the men, who were mostly artificers at the docks in Cadiz, to be imprisoned, and the females were marched down to St Mary's, to be violated by his army."

It might have been thought that such a statement as this could have produced but one effect, or at least that no man could possibly have been found who would attempt to weaken its effect, by recriminating upon his own country. Mr Whitbread, after observing that he believed Mr Jacob had gone to Spain upon a mission, half commercial, half diplomatic, demanded of him whether he had been an eye-witness of these atrocities; and if he were, or if he were not, why he had detailed them, unless it was to inflame the house upon a question where their judgement only was to decide? "Abuses, no doubt," he said, "must have prevailed, but were gentlemen aware of none committed under circumstances of less provocation, when the clergy received the mandates of power to ascend their pulpits, and issue from them falsehoods not more rank than they were notorious?" Such are the sentiments and such the language which Mr Whitbread is reported to have uttered upon this occasion. He proceeded to ask, "where was the spirit of the Spaniards which had been so spoken of? where were its effects? were they seen in suffering the French troops to pass over the face of their country, like light through an unresisting medium? We were gravely told that the post could not pass unmolested; no doubt this was a most serious calamity, and a conclusive proof of the energy of the popular spirit, only, unfortunately, we had the same proof in Ireland! Spain," he averred, "had not done its duty—no matter from what cause; the people had, however, some excuse, they had been under the selfish sway of an aristocracy, that only wanted to use them as an instrument to effect their own narrow purposes; their implicit confidence had been abused by the blind bigotry of an in-

tolerant priesthood,—a priesthood, that whatever it preached, practised not the gospel it ought not alone to preach but practise; they had had the sword in their hands as often as the crosier, and they had had, he feared, in their hearts any thing but the meekness, humility, charity, and peace, that their blessed master had inculcated by his pure precepts, enforced by the example of his spotless life, and sealed by the last sufferings of his all-atoning death. While," said Mr Whitbread, "I value those precepts and that example, I never can take pleasure in setting man against his fellow-man in a hopeless struggle. I think the present cause hopeless, and, as such, I never will consent to its being uselessly and cruelly protracted." Mr Huskisson and Mr Bathurst spoke like men, in whom the principle of opposition was not the pole star of their political course. The question, Mr Huskisson said, was, whether we were to withhold from his majesty's ministers the means by which the contest might be rendered more likely to be successful. Mr Bathurst said, it was enough for him to know that an alliance with Portugal had been concluded, and that Portugal, in virtue of that alliance, demanded our assistance. An amendment was moved by Mr Tierney, tending to refuse the grant, and 142 members voted for it, over whom ministers had a majority of 62. In the Lords, the numbers had been 94, and 124.

To comment upon the language of the opposition in these debates would be superfluous. The little knowledge which they displayed of the national character of the Spaniards and Portugueze, and of the nature of the seat of war, and the contemptuous tone in which they ridiculed and reviled our allies, were of little moment; but the debate was of main importance, because the party committed themselves so completely upon the defence of Portugal, declaring, in the most confident and positive terms, that it was hopeless, and ought not to be attempted. Their journalists took up the subject in the same strain; they did not indeed, like the devil's advocate in a cause of canonization, make the best case they could for the French, cross-examining the witnesses who spoke of their rapes, murders, and massacres, and, admitting that abuses must have prevailed, hint at the provocation which had been given: the manner in which Buonaparte had begun and carried on the war in the peninsula, was too notorious, too shocking, too flagrant, for any journalist to venture upon such arguments; but they followed the happy pattern of prediction which had been set them. One of two things, they said, must necessarily happen to these 30,000 Portugueze troops; either they must all fall into the hands of the French, or we must bring them out of Portugal. The possibility that, with a British army, they might be able successfully to defend their country, these men had neither courage, nor wisdom, nor knowledge to contemplate. Could it be doubted for a moment, they said, that Spain would be subdued, from one extremity to the other, before the end of six months? They copied, too, as faithfully, the false and slanderous representations which were made of the Portugueze. A thousand Portugueze, they said, would fly before a single French company, just as so many gipsies would run away from a constable. We might raise a better legion in Norwood. Was there an English colonel who would give five

shillings a dozen for such recruits, or a serjeant who would be at the expence of a bowl of punch for fourscore of them?—The French and their partizans did not fail to make all due use of this most improper and imprudent conduct; but the Portugueze were too well acquainted with the real character and feelings of this nation towards them, to have their faith in British friendship shaken by the gross misrepresentations of a virulent party: and they knew, perhaps, that statesmen who take part against the government, and against the allies of their country, and writers who pervert to the most wicked and perilous purposes the freedom of the press, are the concomitant evils of a free constitution like ours, under which both public and private libellers breed as naturally, as vermin in a genial climate.

This contemptuous opinion of the Portugueze must have originated more in party spirit than in ignorance; for even if the persons who advanced it could be supposed to be utterly unacquainted with the history of that people, and with the nature of man, they must have seen, if they were capable of understanding what they saw, in the practice of the French, that the men of any country will make good soldiers under proper discipline. The Italians, who, under the gross mismanagement of Austria, or of their own princes, ran like sheep before the French, form at this time a portion of the French army, in every respect equal to their former conquerors. And that the Portugueze might soon be disciplined, had been proved by Sir Robert Wilson, to whom a vote of thanks was moved during this session, for the essential service which he had rendered with his legion, and refused only upon the ground that the thanks of parliament were never voted but for great victories; but the merits of Sir Robert and his legion were admitted in the clearest and strongest terms. It is greatly to be regretted, that a man who had given such proofs of ability and enterprize, should have remained unemployed. The work which he had so well begun, was now carried into effect by Marshal Beresford upon a great scale. The Portugueze army, which, under a system of complicated abuses, had been reduced to such degradation, that officers have been seen asking charity in the streets of Lisbon, was immediately reformed, as far as the power of the commander-in-chief extended, in all its branches. The officers and non-commissioned officers were in the habit of kicking and striking the soldiers; wherever British officers were appointed to command regiments, this was immediately forbidden, and their example, with the decided opinion of Marshal Beresford, has nearly, or altogether, put a stop to the disgraceful practice. In England, we hear of the barbarity of our martial laws, and the stigma ought to be taken away; in Portugal, the ordinary punishment, though less disgraceful and less severe than the abominable system of flogging, proved more frequently fatal; it consisted in striking the soldier on the back, across the shoulders, with the broad side of a sword. The number of strokes, or *pancadas*, never exceeded fifty; but the sufferers have not unfrequently been known to drop down dead immediately after receiving thirty, from a rupture of the aorta. Marshal Beresford ordered a small cane to be used instead of the sword; and thus, without altering the national method of punishment, rendered it no longer dangerous.

There were other evils which were beyond the reach of Marshal Beresford's power, and which could only be remedied by a restoration of the old constitution of Portugal, and the reforms which would necessarily follow that most desirable event. When the troops of the line are recruited, it is neither done by ballot nor by bounty. A certain number are demanded from each district; the captain of that district picks all whom he chuses, sends them to prison till he has collected the whole number, then marches them to join their regiment. The Marshal introduced the easy improvement of sending them to a recruiting depot, to be drilled before they joined; but unluckily he fixed upon the peninsula of Peniche, a swampy and unwholesome spot, which proved fatal to many, acting with double * effect upon the depressed, half-starved, and ill-treated peasants, who were sent there. The depot was afterwards removed to Mafra, a fine healthy situation; "but," says a British physician who served with this army, and to whom the public are indebted for an account of its re-organization, "unless the recruits undergo a strict medical examination on their being first levied, the depot will never be healthy, nor will it be possible to keep the army effective; the sick, the lame, and the lazy, are all crowded into the same dungeon when recruited by the Capitam Mor; contagion is generated, and very often those, and those alone, who were fit for the service, are carried off by disease."

Over the method of levying troops Marshal Beresford had no controul, nor is it likely that any mitigation of this cruel grievance will be effected, till Portugal, like Spain, sees the re-establishment of its cortes. The hospitals, which, according to Dr Halliday, were infinitely more destructive to the army than the sword of the enemy, and would have destroyed it much faster than it could have been recruited, were greatly improved under a British inspector, though the government would not permit his regulations to be carried into effect to their full extent. Still a great and material improvement was accomplished. The commissariat was so conducted, as to be at once inefficient for the army, and oppressive for the people. A board of administration at Lisbon has its intendants in every province, and its factor in every town. Government contracts for provisions and forage, at fixed prices, with the board, and the board directs its factors to purchase what may be required for the troops on the spot. Payment is made by bills upon the board, which in the best times were seldom taken up till twelve months after they became due, and in the present state of things were considered as worth nothing. The farmer, therefore, naturally concealed his grain; it was very seldom that magazines were formed, or any provision made against scarcity; and what the farmer could not or would not sell at the disadvantageous rate which the factors offered, was usually taken, when it could be found, by force. Marshal Beresford got commissaries appointed to the different brigades, but he could not get money for them, and therefore they were of little use. To reform the civil establishments of the army, was almost as difficult as it would have been to reform the government; the utmost exertions of Marshal Beresford, aided as they were

* Dr Halliday's Present State of the Portugueze army.

by Lord Wellington's interference, availed nothing; they were opposed by every species of low cunning and court intrigue. For the old corruptions existed in full vigour, notwithstanding the removal of the court to Brazil; and the body politic continued to suffer under its inveterate disease, a *morbus pediculosus*, from which nothing but a cortes can purify it, and restore it to health and strength. In Spain, we did our duty by urging that the cortes should be convoked; had we considered the Portugueze as much as the house of Braganza, or had we looked forward to the real and vital interests of that family, we should have urged it in Portugal also, sure of obtaining equal benefit for the prince and the people, if we had made it the condition of our assistance.

Much, however, has been done for Portugal, enough to be ever remembered by that country with gratitude, and by Great Britain with a generous and ennobling pride. An English commissariat, scrupulously exact in all its dealings, relieved the farmers in great measure from the oppression of their own government; the soldiers learnt to respect their officers and themselves; they rapidly improved in discipline; they acquired confidence, and became proud of their profession. The government itself found it necessary to alter its old system of secresy and delusion; the dispatches of Lord Wellington and Marshal Beresford were published in the Lisbon Gazette, and the people of Portugal were officially informed of the real circumstances of the war, as fairly and as fully as they had been in the War of the Acclamation.

CHAP. XV.

State of the British Army. Astorga taken by the French. Siege and Fall of Ciudad Rodrigo. Success of the Portugueze at Pueblo de Sanabria.

WHILE Marshal Beresford was thus disciplining the Portugueze army, and preparing them to resist the most formidable invasion with which their country had ever been threatened, the British troops were recovering from the privations of the last campaign, and the diseases incident to that part of Estremadura in which they had been quartered. When Lord Wellington moved from Badajoz, the number of sick amounted to 8880, exclusive of artillery and engineers. Fortunately, so near as Elvas, there is a hilly and healthy country, to which the sick could be removed; and when they took up a position on the frontiers of Beira, the army rapidly recovered. Here Lord Wellington observed the movements of the French; he was too weak to undertake offensive operations against them; but he penetrated their plans, and had formed his own.

Portugal, notwithstanding its length of frontier, is one of the most defensible countries in Europe, and all invading armies have ever found it to be so. On the side of Alentejo, Lord Wellington knew that the invasion would not be attempted; for even if Badajoz and Elvas had been reduced, Lisbon was secured by the Tagus; and there is no part of the kingdom in which an army would suffer so severely as in this province, from diseases, and from want of water. On the side of Gallicia, the French had experienced the difficulties of a retreat too lately to risk the same danger again, even if it had not been necessary again to obtain possession of Gallicia as a previous measure. It appeared certain, therefore, that the attack would be made by the only remaining and most practicable route for an invading army,—through Beira. The preliminary measure would be to obtain possession of Ciudad Rodrigo. Soult, the ablest of the French generals who have been employed in Spain, had long recommended the capture of this city; and Lord Wellington, equally aware of its importance, had long foreseen its danger. He knew, in the preceding year, that the siege had been recommended by a council of war held at Salamanca, and its success, he then * said, would do more evil than the French could effect in any other way; for it would cut off the only communication of the Spanish government with the northern provinces, give the enemy the command

* Sept. 1. 1809.

of Castille, and probably draw after it the loss of the Portugueze fortress of Almeida.

Before the French began the siege, they thought it necessary to obtain complete possession of Leon, that their communication might be open with Valladolid. They had been driven from Astorga, in the September of the preceding year, by D. Josef Maria Santocildes, colonel of the provincial regiment of Santiago, who remained as governor there. The city was surrounded with walls, which gave it an appearance of antiquity, not of strength. They had been erected many centuries ago, and were so massy, and at the same time considered as of so little consequence for purposes of defence, that the poor were permitted to dig holes in them which served for habitations. The garrison consisted of about 3000 men, of whom from 5 to 600 were on the hospital list. Some attempts had been made to render the city defensible, according to the system of modern warfare, by the enemy, after Buonaparte entered it in pursuit of Sir J. Moore; and when the Spaniards recovered it, they added to these works. Still the fortifications were such, that though the French might deem them sufficient against an armed peasantry, or a guerilla party, it was never expected that any resistance would be made against a regular force. After the French had over-run Andalusia, and when they were proclaiming, that the brigands had been put to the sword, and the Napoleonic throne established in Cadiz, for this falsehood was in such phrase asserted in their Spanish gazettes, Loison, whose head-quarters were at Baneza, the nearest town, wrote to the governor, telling him, that King Joseph had entered Seville amid the acclamations of all the inhabitants; that Andalusia had submitted; the junta was dissolved; and almost all the people of Spain, awakened now to a sense of their true interest, had had recourse to the clemency of their sovereign, who received them like a father. He urged Santocildes to imitate so good an example, and appoint a place where they might meet and confer upon such terms as would not fail to persuade him to this wise and honourable course. Santocildes replied, that he knew his duty, and should fulfil it. *Feb.* 16.

On the 21st of March, Junot invested Astorga with about 12,000 men, of whom about a tenth part were cavalry, by means of which he became completely master of the open country. The vigorous measures of Santocildes obstructed his operations so much, that a month elapsed before he opened his batteries. They began on three sides at once, at day-break on the 20th of April, and soon effected a breach on the north, by the Puerta de Hierro; but immediately behind the breach the Spaniards pulled down a house, the foundations of which served as a formidable trench; they kept up their fire during the night, and at eleven the following morning Junot once more summoned the governor to surrender, declaring that, if he held out two hours longer, the city should be stormed, and the garrison put to the sword. The governor returned a becoming answer; the batteries then renewed their fire; the bombardment was recommenced; the cathedral was set on fire, with many other houses, and a whole street in the suburbs; and the French, thinking to profit by the confusion, assaulted the breach: 2000 men were appointed to this service; great part of them perished before they could

reach the wall; the remainder mounted the breach; the works within impeded them; a destructive fire was poured upon them; and after an hour and a half they were repulsed. At the same time the suburb was assaulted, and with the same success; the enemy being three times baffled in their attempts. Their loss this day amounted to 1500 men.

Had the city been well stored, it would have cost the French still dearer; but after this signal success, Santocildes found himself with only thirty round of cartridges remaining for the men, and eight only for the artillery. Junot passed the night in making a covered way from the trenches to the foot of the breach, where he lodged a large body of picked men. Meantime a council of war was held; the impossibility of resisting with success for want of ammunition was admitted; some officers proposed that they should cut their way through the besiegers;—the strength of the enemy's cavalry was one impediment to this, but it was rejected on account of the inhabitants. Astorga was not like Hostalrich, where the garrison had only themselves to provide for; and unless terms were made for the inhabitants, what they might expect from such conquerors as Junot and Loison was but too well known. Fresh works of defence were thrown up within the breach while this deliberation was going on, that nothing might be omitted, and at day-break a capitulation was proposed. They demanded and obtained the honours of war for themselves; security for the inhabitants, both in person and property; that the men should keep their knapsacks, and the officers their horses, swords, and baggage. This part of the capitulation was broken, and the officers plundered as they left the town. Even Junot, however, returned Santocildes his sword, saying, that so brave a man ought not to be without one. In the course of the siege the enemy lost 2500 in killed alone; so dearly was Astorga purchased. But the more gallant its resistance, the more was that misconduct to be regretted which had infected the provincial juntas as strongly as the central government. Since July last, Gallicia had been entirely delivered from the enemy; the population of that province, when the census of 1797 was taken, amounted to 1,142,630 persons; the people had shown their spirit, and if due exertions had been made on the part of their civil and military authorities, an army might have been formed, capable not only of preserving Astorga, but of essentially co-operating with the British and Portugueze.

After this conquest, Junot, leaving a small garrison in Astorga, marched into Old Castille, where Ney had previously been joined by the corps of Loison, Regnier, and Kellerman. The campaign had already begun here. In the beginning of March the French army were upon the Tormes, with their advanced posts upon the Agueda. Lord Wellington was at Viseu, and his advanced posts, under General Craufurd, were upon the Agueda also, and between that river and the Coa. An affair of outposts, at Barba del Puerco, *March* 19. was the first time that the British and French troops met after the battle of Talavera; four companies of the 85th, under Lieut.-Col. Beckwith, were posted at Barba del Puerco; immediately opposite, on the other side the Agueda, is the village of St Felices, where the French had a strong party. The only bridge below Ciudad Rodrigo is between these

villages, and as the river at this season was swollen with the rain, this was the only passage. The country is rocky and mountainous, and though the advanced sentries of both parties were within a few yards of the bridge, it was not expected that either party would attempt to annoy the other; so great were the obstacles which the nature of the ground presented. The French, however, collected a brigade in St Felices, and after night had closed marched 600 men toward the bridge. About midnight they were all assembled there, and made the advanced sentries prisoners; a picquet of 80 men, posted behind the rocks, immediately fired upon them and retreated in excellent order; they pushed on up the mountain hoping to surprise the remainder of the men, but were presently repulsed. The loss was trifling on either side. Marshal Ney, however, ventured to assert, that the English had been routed at the point of the bayonet, and that their transports were ready at Porto and Lisbon.

The French had learnt at Vimeiro, and Coruna, and Talavera, to respect British valour, but they had not yet been taught to respect English policy; and they fully expected that if they brought a superior force against him, Lord Wellington would fly through Portugal, and seek shelter in his ships. Preparations, therefore, were made for a third invasion of Portugal, with an army far exceeding in number those which Junot and Soult had commanded, even if they had been united, and under Massena, a general of higher rank than either. No general in the French service had enjoyed so high a reputation since Hoche, and Pichegru, and Moreau had disappeared. Buonaparte, in his Italian campaign, called him, in his own inflated style, the favourite Child of Victory; and after the last Austrian war, made him Prince of Essling, because his skill and exertions had contributed so greatly to the escape of the French from utter destruction at the battle of Aspern. He was appointed commander-in-chief of the provinces of the north of Spain, including the kingdoms of Old Castille, Leon, and Asturias; the provinces of St Andero, Soria, Valladolid and Valencia, Toro, Zamora, Salamanca and Avila; the army under him was named the army of Portugal; and, as Soult had done before him, it is believed that he went to make the conquest of Portugal, expecting to be rewarded with its crown for his success.

In the later wars between Spain and Portugal, the three cities where the Spaniards used to collect their armies before they invaded the enemy's country were, Tuy, Ciudad Rodrigo, and Badajoz. Of these fortresses, Tuy, like Valença on the opposite frontier, is now of little strength or importance. Badajoz is a strong place. Ciudad Rodrigo hardly to be ranked in the third order of fortresses. It was built some centuries ago, when the site was sufficiently convenient for a fortified town; but the situation is bad: the works, at the time when the French besieged it, were old and imperfect, and it had other local disadvantages. It is commanded from many points; one height, within 500 toises of the city, exceeds by about fifty yards the highest of its buildings. There were no bomb-proofs, and the suburbs, in which there were four convents, and the number of gardens without the walls, materially assisted the operations of a besieging army. The population of the city had been estimated at about 10,000; but it appears not much to have ex-

ceeded half that number. The garrison consisted of 4950, including 600 townsmen, and the greater part of the others were volunteers and men newly raised. Camp Marshal D. Andres Perez de Herrasti was governor, an old man, who had been the friend and comrade of Mariano Alvarez.

On the 25th of April 6000 French appeared before the place, and encamped in the *Termino* of Pedro Toro, a league to the eastward. On the 30th, the second division, consisting of from 4 to 5000, arrived and encamped in the *Termino* of Valde Carros, a league to the north. Five days afterwards, another encampment was formed between the two. On May 15th, another division, of about 7000 men, encamped to the westward, upon the Monte de Ibanrey. So large a force was necessary lest the English, who were so near at hand, should fall upon the besieging army. By the 4th of June the city was completely invested. This was not effected without repeated skirmishes, in which the enemy suffered considerable loss. In these affairs, D. Antonio Camargo, the commandant of the volunteers of Avila, greatly distinguished himself; but the individual who, above all others, by his incessant enterprize, was the terror of the French, was D. Julian Sanchez, the son of a farmer, near the banks of the Guebra. Till the invasion of his country, he had cultivated his father's lands. His father, mother, and sister, were murdered by the French; he made a vow of vengeance, and, at the head of one of those bands which the Spaniards call *guerillas*, well performed it. On one occasion he surprised, in his father's house, a French colonel, who was infamous for his atrocities, and put him to death, first telling him who it was that inflicted his merited punishment in this world, and sent him to render account for his crimes in the next. So formidable was he become, that, in the September of the preceding year, General Marchand, who commanded at Salamanca, finding that D. Julian baffled and defied all the efforts which were made to destroy him, had recourse to one of those steps which characterize the conduct of the French in Spain. He arrested six of the richest *ganaderos*, or proprietors of flocks, in Salamanca, and proclaimed, that he would take the severest measures against their property and persons, if the guerillas did not disappear within eight days.

Not a day passed in which this enterprizing leader did not make some assault upon the enemy, not fearing, at the head of 60, 80, or 100 of his lancers, to attack three or four times his own number. Camargo, and D. Jose Puente, commandant of the cavalry regiment of Ciudad Rodrigo, co-operated ably with him, and the French suffered daily and hourly losses from their indefatigable activity. They suffered also greatly from the artillery of the town, which was admirably served. Ney carried on his operations in a manner which the Spaniards thought prodigal of the lives of his men, beginning his approaches where, in their judgement, a general more sparing of his army would have terminated them. To protect these works, he ordered a great number of holes to be dug, where he posted sharpshooters, by whom the garrison were greatly annoyed. On the 24th of June, Massena arrived and took the command, and at three on the following morning the batteries opened, and a constant fire from six-and-forty pieces of heavy artillery was kept up day and night till the even-

ing of the 28th, when, having made a breach of about five-and-twenty yards in length, but which was not practicable, Ney required the governor to surrender; "sending him," he said, "this last summons by order of the Prince of Essling, commander-in-chief of the army of Portugal, who was now present, whose honour and humanity were well known, but who, if the defence was uselessly prolonged, would be compelled to treat him with all the rigour authorized by the laws of war. If he had any hope of being succoured by the English, he was doubtless by that time undeceived; for if such had been their intention, they would not have waited till the city was reduced to its present deplorable state. He had therefore to choose between an honourable capitulation, and the terrible vengeance of a victorious army; and a positive answer was now requested." Herrasti replied, "that after forty-nine years service, he could not but know the laws of war and his military duties; the fortress was not in a state to capitulate, and whenever circumstances made it his duty, he would then apply for terms, after securing his honour, which was dearer to him than life." It was intimated to him by the officer who carried the summons, that he might be permitted to send dispatches to Lord Wellington, informing him of the state of the town; this he proposed to do, according to the French, requiring that, till the courier's return, things should remain as they were, and saying, that then, according to the answer of the English general, he would make the requisite overures. This the French assert, adding that Massena did not think proper to grant the request. There is an apparent inconsistency in this statement; it represents the French as refusing what they had first suggested, though it may be said that the suggestion of the officer was unauthorized. There remains, however, a greater inconsistency in the reply attributed to Herrasti, who, having in the first part answered in a manner conformable not only to his duty, but to his after conduct, is made to qualify this answer, and offer to regulate his conduct, not by his military duties, but by the measures of Lord Wellington. It is perhaps, therefore, a French fabrication, designed to throw an odium on the English for not attempting to raise the siege; and this is the more probable, because no mention of any such application, on the governor's part, appears in the account of the siege, written by D. Policarpo Anzano, who was in the city. His narrative was published by order of the Spanish government, and the copy now before us contains a written attestation of its veracity by D. Josef Varcarcel, member of the cortes for the province of Salamanca.

How galling it must have been to Lord Wellington to witness the progress of the siege, knowing his inability to relieve the town, may well be conceived. His outposts were near enough to hear even the musketry; but with so large a proportion of his troops half-disciplined and untried, he could not act upon the offensive against an enemy greatly superior in numbers, without incurring the most imminent danger. The only possible plan by which Portugal could be saved he had laid down for himself, and from this plan no circumstances, however painful to his own feelings, or however derogatory in appearance to his reputation, could induce him to swerve. He was in communication with Romana, who, having collected an army at Badajoz, made head

against the French in Extremadura, and annoyed them in Andalusia; but in the state of the Spanish armies, any plan of co-operation for the relief of Ciudad Rodrigo was impossible. It was however of great importance that the place should be resolutely defended to the last extremity, and in this hope Romana and the English general were not disappointed. The mind of the people had been prepared for this extremity; they had their patriotic writers and their poets; the exploits of Julian Sanchez excited the emulation of the youth, and the conduct of the old governor gave confidence to all. The examples of Zaragoza, and Gerona, and Hostalrich, and Astorga, animated the women and children, as well as those who bore arms; for in a cause like theirs they had seen their countrymen acquire a glory when unsuccessful, which could not have been greater had they been victorious. The women and children, when they saw their houses burning, gave way neither to fear nor lamentation, but exerted themselves to quench the flames, and carried refreshment and ammunition to the troops amid the hottest fire. There were two blind beggars in the city: no one supposed that these unfortunate men could render any service during the siege, but zeal taught them how to be serviceable; they carried water to the walls by day, and ammunition by night, with such unwearied activity, that it was the intention of the governor and the junta, if the town had been saved, to have rewarded them with pensions for life.

It was of great consequence to the Spaniards to keep possession as long as possible of those buildings without the walls, which would otherwise afford protection to the besiegers, but which also afforded such means for annoying them while they could be defended, that it had not been thought advisable to demolish them before the siege. The nunnery of Santa Cruz was the most important of these buildings. D. Ramon Castellanos was posted there with a company of sixty men, when three hundred of the enemy's grenadiers, with a party of sappers, attacked it in the night, half the party attacking it by the rear, the other in the front. They blew up the first and second gates; hand grenades were thrown on both sides; the Spaniards, having the advantage of the place, kept up a most destructive discharge of musketry; the commander of the one party was killed, the captain of engineers, who commanded the other, wounded, but he did not retire till he had set fire to the building. Seeing the flames, the governor made signal for Castellanos to abandon the post, who accordingly let down his men from a window into one of the inner courts of the convent, and descending himself the last, they forced their way with the bayonet. It was a little after midnight when they reached the gate of La Colada; but seeing, while they took food and rested after the action, that the enemy had extinguished the flames, Castellanos went to the governor, and represented to him that his honour was concerned in recovering the post. He led his men at three in the morning, after only two hours respite, to the assault, and surprising the French, drove them from their dearly purchased conquest, where they left 158 dead, and 45 wounded behind them; the remainder of the wounded having been removed during the short time that they retained possession.

They were driven from the convent of St Domingo in a manner not less worthy of *July* 2.

remembrance. After they had won the building, Herrasti was very desirous of recovering it, and yet hesitated at giving orders for the attempt, knowing the exhausted state of the garrison, and how ill any loss of men could be afforded. A serjeant, by name Manuel Martin, happened to hear what was the state of the governor's feelings upon this subject. This man, who was a native of Zamora, had made himself well known to the French: they called him *agua y vino*, water and wine, the words which he always used when engaged with them; wine being his signal of attack, and water that for retreat. He had distinguished himself greatly during the siege, and had at this time a wound in his arm, which however did not prevent him from going to the governor, and soliciting permission to make an attack upon the enemy in this convent, saying, that if he could not drive them out, at least he could annoy them there. Accordingly, chusing out five-and-twenty of his comrades, he attacked the convent with such well-directed vigour, that the enemy, though more than ten times the number of their assailants, were terrified and took to flight, many of them leaving their knapsacks and muskets behind them. This was so signal an exploit, that Manuel Martin was deservedly promoted for it, and a badge of distinction was given to each of the soldiers.

But against such a force as surrounded them, all that the Spaniards could do was to hold out to the uttermost, and sell the fortress as dear as possible. Massena boasted of having 100,000 men in the field; he had not less than 70,000, of whom as many as could be advantageously employed carried on the siege, while the others kept the British army in check. The siege was less murderous than that of Zaragoza, because the city was much smaller and less populous, and, having the advantage of regular works, did not require the same kind of defence. When Herrasti and the junta saw that it would not be possible to hold out much longer, they ordered Julian Sanchez and his lancers to make their escape while it was yet practicable, reminding Sanchez of the services which he had already performed, and how important it was that those services should still be continued, and telling him he would be of more assistance to Ciudad Rodrigo in the field than he could now be within the walls. A little before midnight Sanchez collected his troops in the plaza; only two of his company were married men, and they took their wives behind them: they sallied out, and their leader, in the spirit of Scanderbeg, instead of contenting himself with merely effecting his own retreat, charged a post of cavalry, routed them, and carried away eight prisoners with their horses. The two women carried each a pistol, and one of them, by name Marta Fraile, saved her husband, by shooting a dragoon who was about to attack him on one side.

The French general, to whom expence of time was of more consequence than any cost of lives, pressed the siege with the utmost vigour, but with heavy loss, from the repeated sallies of the garrison, and the excellent manner in which the artillery of the Spaniards was served. In hope of forcing the governor to surrender by the cries of the inhabitants, he bombarded the town, and almost destroyed it; but the inhabitants were not to be shaken in their purpose, the names of Numantia and Zaragoza were in every mouth, and they were resolved in their turn to transmit a

glorious example to posterity. Meantime the regular advances of the besiegers were carried on without intermission, and by the second of July a practicable breach had been made in the Baluarte del Rey. The Spaniards made every exertion to defend it with sacks of earth, estacades, and whatever other obstacles they could oppose to the enemy; but the French did not yet venture an assault, they had so severely experienced the valour of their opponents, that they had determined not to storm the town till the works were reduced to such a state that they might avail themselves of the whole advantage of their numbers. They made three mines, one under the counterscarp, the other two under the curtain of the wall and part of the Called el Seminario, or College-street, near the cathedral. The besieged were aware of their progress, but all efforts at impeding it were useless, and at three in the morning of the tenth, the counterscarp was blown up, forming not only an open breach, but such a way to it that carts might ascend from the glacis.

Immediately afterwards the French renewed the fire from all their batteries, and kept it up without intermission for twelve hours. During all this time the cry of the soldiers and the inhabitants, women and boys, as well as their husbands and fathers, was, that they would beat off the enemy or die; but the officers and the junta were well aware, that any farther resistance would only afford the French a pretext for carrying their threats into execution, and putting all to the sword. Thirty thousand men were ready to storm the city that evening. It was not without much difficulty that the people could be induced to hear of a council of war, nor would they have suffered one to be held, had they not seen such undoubted proofs of the patriotism and courage of those who now told them that a surrender was become inevitable. There were some in the council who proposed to follow the example of Julian Estrada at Hostalrich, and force their way with the bayonet through their enemies; but here, as at Astorga, it was urged that they were in different circumstances, and had therefore different duties; their business now was to preserve 5000 inhabitants, who would else be exposed to the unrestrained vengeance and brutality of the enemy. Finally, it was resolved to capitulate, but not till the latest moment, when there was no longer the slightest hope or possibility of relief.

Massena's orders to Ney were to assault the town that evening; the French advanced for this purpose, and were at the foot of the breach, in the act of mounting, when the white flag was hoisted: the officer who planted it in the breach descended with the terms of capitulation, and presented them to Ney, who sternly told him it was now too late for any thing. The Spaniard, however, had recourse to Massena, who was at that time supposed to be more humane than Ney. The first article was, that the garrison should march out with the honours of war; the rest were in like manner such as are usual in the like circumstances. Massena having cast his eye over them, said, "Tell your governor, this is no time to ratify the terms in writing; but I grant all which he requires, and am going to give orders accordingly." He then sent his adjutant-general to bid Ney suspend the assault. Loison immediately marched through the breach, and took possession of the town; and General Simon, notwithstanding Mas-

sena's pledged word, made the garrison deposit their arms in the arsenal.

The other terms were at the moment fulfilled, and when Herrasti, the next day, requested that the capitulation might be signed, in order that he might transmit it to his own government, Massena replied, that as he saw the articles observed, he neither could nor ought to require more. The people had escaped the horrors of an assault; but in other respects they soon found they were at the mercy of a conqueror who acknowledged no other law than his own pleasure. Herrasti had stipulated for the liberty of all the civil officers of government; they, however, were declared prisoners of war. The members of the junta were thrown into the vilest dungeon of the public gaol, from whence, after having endured for eight-and-forty hours every kind of insult and ill treatment, they were marched on foot to Salamanca, in company with the governor, who alone was permitted to retain his horse. All the clergy were arrested and shut up for two days in the church of St Juan; the old and infirm were then suffered to go to their houses, but forbidden the exercise of their functions; the lay brethren sent to serve in the hospitals, and all the others sent prisoners to Salamanca. The next measures were, to impose a contribution of 1,800,000 reals, and to set from six to eight hundred men at work to destroy the batteries, fill up the trenches, and repair the works, compelling them to labour like slaves, giving them no provisions, and allowing them no rest.

The account which the French published of their conquest was, according to their system, full of falsehoods. They asserted that the garrison had surrendered at discretion, which could only be contradicted, not disproved, because Massena had broken his word. This falsehood is worthy of remark, because it shows so strikingly the characteristic baseness of Buonaparte's generals. Ciudad Rodrigo was evidently at their mercy; a generous enemy would have rejoiced to show his sense of the merits of those who had opposed him, and would have known that in refusing them the honours of war, he deprived them only of a barren form; for the glory of their gallant and heroic defence it was not in his power to destroy. But these upstarts, carrying into their new rank the vices of their original state, are alike destitute of honesty and honour. Massena, not satisfied with thus injuring Herrasti's honour, cast upon him a fouler aspersion, making him say, that he and the garrison would have surrendered sooner, if they had not been intimidated by the inhabitants. In reality, such had been the noble spirit of the soldiers, that it was only by the entreaties, as well as the arguments of the superior junta of Castille, whose residence was in that city, that they were prevailed upon to give up their intention of attempting to cut their way through the besiegers. The French general did not forget to insult the English, and endeavoured by his falsehoods to exasperate the Spaniards against them. "Ciudad Rodrigo," he said, "fell in their presence; they promised to succour it; made the inhabitants prolong their defence by this deceitful hope; and suffered the place to fall without making the slightest effort for its relief. Thus they had excited against them the universal indignation of the garrison and the people, who united in exclaiming against their perfidy."

This justice, however, Massena did

to Ciudad Rodrigo, that he admitted the defence had been most obstinate. It was impossible, he said, to form an idea of the state to which it was reduced. Every thing was battered down; not a single house remained uninjured. The killed he estimated at more than 2000. It is extraordinary that the real amount should have been so small;—it was only 63 of the inhabitants, and 237 of the garrison. 7000 soldiers, he said, laid down their arms:—the number at the commencement of the siege was 4950. Six hundred made their escape on the night of the capitulation, and more than 1500 before they reached Salamanca. Above two-and-forty thousand shells were thrown into the city, and nearly 25,000 from it. The quantity of powder consumed by the garrison during the last sixteen days was 893 quintales,—the quintal being 132 lbs. The French gave no statement of their own loss; even upon their usual scale of diminution it would have appeared too great: the place is said to have cost them 9000 men in killed and wounded. The capture, however, occasioned the greatest exultation in Paris, and the Moniteur mingled with its own insults the echoes of our factious journalists. "The good sense of the English people," it said, "enabling them to foresee the dishonour and destruction of their army in Portugal, they are convinced that the most fortunate event which could befal it would be a catastrophe like that of Moore's. They are too much accustomed to calculate chances and events not to know, that alone against France they could, in such a contest, meet nothing but disaster, and obtain nothing but disgrace." "Men of sound judgement, like Grenville or Grey, are numerous in England;" said the Moniteur, "but they are at present without any influence." Then, returning to its natural tone of insult, it ridiculed the strength of Lord Wellington's army, amounting to the dreadful number of 24,000 English. "The cries of the inhabitants of Ciudad Rodrigo," it said, "were heard in his camp, which was only six leagues distant: but all ears were shut against them; the English army made no attempt to succour that city:—they were the laughing-stock of Europe; every coffee-house waiter knew their weakness on land, as well as their influence at sea. Ciudad Rodrigo was one of the last bulwarks of the insurrection; its capture made the catastrophe more imminent for England, who would now find it necessary to call to the helm more prudent men, better acquainted with the nature of the resources and of the strength of their country, and therefore more moderate."

In England, too, we were told, that if Ciudad Rodrigo were taken, the efforts of the English might be considered to be at an end; the French would then be able to advance without fear of a check; the harvest also being now begun, whatever grain there was in the country they would be able to secure for themselves, and so form magazines, the want of which had hitherto chiefly retarded their advance. At one time these politicians cried out, "that Lord Wellington could not permit the enemy quietly to prosecute the siege of so important a fortress." At another, "they would not suppose him capable of fighting a useless battle: for they trusted he was not so prodigal of the blood of his followers. They trusted that his operations would be justified by the event." "They were not competent to speak from their own know-

ledge, yet certainly it did appear a doubtful policy to be patiently waiting till Massena had time to concentrate his troops, and make all his arrangements for an attack on the British position." "The plan of overwhelming Lord Wellington, by bringing an immense superiority to bear upon him, was one which obviously presented itself; there seemed no insurmountable difficulty in the execution; obstacles there might be, from want of provisions and other circumstances, but the skill and perseverance of the French in combating them, forbade us to place much reliance upon such grounds." In this manner, always presaging evil, and consistent in nothing but despondency, sometimes borrowing the tone of the Moniteur, and sometimes setting it, did these journalists of a disappointed party labour to deaden the hearts and hopes of their countrymen; while their more wicked, but hardly more mischievous coadjutors, addressed their weekly invectives to the readers and auditors in pot-houses and tap-rooms, abusing their ignorance, appealing to, and inflaming their worst passions, and crying out against the tyranny of their own government, while upon the crimes of Buonaparte they observed a cautious and notable silence.

The fall of Ciudad Rodrigo enabled Massena to detach a force to the relief of Astorga, where General Mahy, who commanded in Gallicia, was blockading the French garrison. He boasted soon after of another success. General Serras took possession of the fort at Pueblo de Sanabria; the French magnified the importance of this post, saying that it commanded the entrance into Portugal, and shut up the communication with Gallicia. They said also, that Lord Wellington had enjoined the Spanish governor to make an obstinate defence; but that the governor reproached him for having deceived the commandant of Ciudad Rodrigo, and broken his word with him; told him it was evident he intended to do nothing for Spain, but only, for the sake of fomenting divisions, held out hopes of assistance which were never realized; yet nevertheless offered to shut himself up in the fortress, and bury himself in its ruins, if the English general would send him one Englishman for two Spaniards, to assist in its defence. The answer of Lord Wellington, the French papers said, might easily be conceived; the Spanish general abandoned the town, where the conquerors found 20 pieces of artillery, and provisions for 3000 men for six months. After these falsehoods and this exaggeration, the French made no farther mention of the Pueblo de Sanabria.

D. Francisco Taboada Gil, the officer who was thus infamously and falsely represented as insulting the English general, had communicated not with him but with the Portugueze general, Silveira, at Braganza, with whom it was agreed that he should evacuate the place if it were attacked by a superior force. Taboada accordingly fell back upon the Portillas de Gallicia, *July* 29. and Silveira, having ascertained that Serras had returned with the greater part of his troops to Momboy, concerted measures with the Spanish general for surprising the garrison which the French had left in Sanabria, and on the fourth day after they had taken possession of their boasted conquest, the enemy found themselves invested in the fort. They were summoned, but the commander replied, *Aug.* 3. that he had men and ammunition sufficient to defend himself

with, and that he expected speedily to be succoured by the troops of Marshal Massena. The following morning a detachment of about 70 French cavalry came on to attack the advanced guard of the Portugueze, under Captain Francisco Texeira Lobo, whose force was about equal; but while he charged them in front, another small party of Portugueze, by his instructions, wheeled round and attacked them in the rear; they were instantly broken, and 28 were left upon the field, 30 prisoners, and 40 horses taken. All that day was spent in vain endeavours to force an entrance into the fort; the assailants burnt the gates, but the enemy blocked them up effectually with stones; the Portugueze and Spaniards got possession of a house adjoining, from whence they attempted to make a way through, but the enemy soon battered it down. On the morrow, one mortar and one three-pounder were planted against them; the first was in such a state, as to be useless after a few discharges, and Silveira, the next morning, sent for a six-pounder from Braganza. He was now apprized that Serras was approaching in force to relieve the garrison. Silveira left the Spaniards to maintain the blockade, and drew up in order of battle upon the river Tera; but Serras, having reconnoitred his forces, thought proper to retire upon Momboy. The six-pounder, from Braganza, was an iron gun, and in such a state, that when it arrived it was of no avail; and a twelve-pounder, which on the 8th was brought from the same place, proved in the same condition; this was a serious disappointment, for Silveira was now apprized that Serras was collecting reinforcements. Six hundred horse had entered Zamora, on their way to him, and two battalions of Italian troops were joining him from Benevente, Leon, and Astorga. Unable to batter the place, because of the wretched state of the artillery, which had been long left to decay in a delapidated fortress, he tried the effect of mining; here experience and skill were wanting, and the face of the curtain only was thrown down. The garrison, however, who were Swiss, dreaded that a second attempt might be more successful; and their commandant, pleading that he and his men were not French, proposed and obtained good terms, delivering up the place on condition that the garrison should be allowed to embark from Coruna, and return to their own country, on their parole, not to bear arms against the allied powers. The artillery of the place, consisting of nine brass pieces instead of twenty, as the Moniteur had asserted, with the stores, were restored to the Spaniards; but Silveira retained for the Portugueze an eagle, the first which they had taken from their insolent enemy. Sixty of the Swiss entered into the service of the allies. *Aug.* 9.

Serras was in sight of Silveira's advanced posts when this capitulation was concluded; he had with him from 4 to 5000 foot, and about 800 cavalry. The conquerors then retired; Taboada upon the Portillas; the Portugueze cavalry upon the road to Campissa; Silveira, with the foot, upon the heights of Calabor, meaning there to await the enemy, where their superiority in horse would be useless. The French soon perceived the skill with which his movements were directed, and having proceeded as far as Pedralva, returned from thence to Sanabria, then to Momboy. This is

the real history of General Serras's success at Puebla de Sanabria; the whole of the garrison which he left there were taken prisoners, and the eagle which was taken with them was deposited with proper triumph in the cathedral at Lisbon, as the first trophy of the regenerated Portugueze.

CHAP. XVI.

Capture of Almeida. Conduct of the Portugueze Government. Battle of Busaco, and subsequent Events in Portugal till the end of the Year.

FROM Ciudad Rodrigo Massena addressed a proclamation to the Portugueze. "Inhabitants of Portugal," he said, "the Emperor of the French has put under my orders an army of 110,000 men, to take possession of this kingdom, and to expel the English, your pretended friends. Against you he has no animosity. On the contrary, it is his highest wish to promote your happiness, and the first step to secure it is to dismiss from the country those locusts who consume your property, blast your harvests, and palsy your efforts. In opposing the emperor, you oppose your true friend; a friend who has it in his power to render you the happiest people in the world. Were it not for the insidious counsels of England, you might now have enjoyed peace and tranquillity, and have been put in possession of that happiness. You have blindly rejected offers calculated only to promote your benefit, and have accepted proposals which will long be the curse of Portugal. His majesty has commissioned me to conjure you to awake to your true interests; to awake to those prospects which, with your consent, may be quickly realized; to awake so as to distinguish between friends and enemies. The King of England is actuated by selfish and narrow purposes; the Emperor of the French is governed by the principles of universal philanthropy. The English have put arms into your hands, arms which you know not how to use. I will instruct you. They are to be the instruments of annihilation to your foes:—Who those foes are I have already shown you. Use them as you ought, and they will become your salvation. Use them as you ought not, and they will prove your destruction. Resistance is vain. Can the feeble army of the British general expect to oppose any barrier to the victorious legions of the emperor? Already a force is collected, sufficient to overwhelm your country. Snatch the moment that mercy and generosity offer. As friends you may respect us, and be respected in return; as foes you must dread us, and in the conflict must be subdued. The choice is your own, either to meet the horrors of a bloody war, and to see your country desolated, your villages in flames, and your cities plundered, or to accept an honourable and happy peace, which will obtain for you every blessing that by resistance you would resign for ever."

On the same day that Ciudad Rodrigo surrendered, the enemy's cavalry

appeared on the plains of Almeida. Lord Wellington's head-quarters at this time were at Alverca; his position was a defensive line, about thirty miles in extent, along the frontier mountains of Beira; but as the line formed a segment of a circle, the points were not distant from each other in proportion to its length. The infantry extended from Celorica to Guarda on the one side, and to Fort Conception, one of the outworks of Almeida, on the other. The cavalry were in advance near Fort Conception, and at Sabugal, and on the Coa. The enemy's superiority in cavalry was very great, but the nature of the ground deprived them of the advantage which this must otherwise have given them. They now proceeded to invest Almeida, a fortress which Dumouriez, forgetting Elvas at the time, called the strongest place in Portugal. It is perhaps more important from its situation, but very far inferior to it in strength.

This town was founded by the Moors, and is said to have been one of those which Ferrando the Great won from them when the Cid served under him, in his first wars. When the tide of success was for a while turned by the entrance of the Almoravides into Spain, Talmayda, as it was then called, fell again into the hands of the misbelievers, from whom it was finally conquered, in 1190, by King Sancho I. of Portugal. Payo Guterres, distinguishing himself in the conquest, obtained from it the appellative of *O Almeydam*, the Almeydan, and transmitted to his descendants the surname of Almeyda, conspicuous in Portugueze and Indian history. King Diniz, the ruins of whose magnificent works are to be seen in every part of Portugal, rebuilt the city, and is supposed to have removed it from a valley, a little way north of its present site. The castle was built by him, and repaired by King Emanuel. In the later wars between Spain and Portugal, Almeida has always been considered a place of great importance, being the bulwark of the latter country on its most accessible side; but, like other things of more essential consequence to the strength of a kingdom, it had long been neglected. In 1809,* there were not a dozen gun-carriages fit for service, nor any wood in store for the construction of others; the embrasures were falling to decay, and the palisades of the covert-way were mostly broken, or carried away for fire-wood. The works were originally ill constructed, and the place had the great disadvantage of being commanded on one side by a hill. Its population in 1747 was 2463; and Almeida is not one of the few places in Portugal which have been progressive since that time.

The same causes which rendered it impossible for Lord Wellington to relieve Ciudad Rodrigo, made it necessary for him to leave Almeida to its own means of defence; the works had been repaired, the garrison was strong, and Brigadier Cox, an English officer in the Portugueze service, was appointed to the command. With the example of Ciudad Rodrigo before it, there was no reason to doubt that Almeida would make a vigorous resistance, and probably hold out so long as materially to derange the plans of the enemy. Massena, having detached General Regnier to take possession of Penamacor and Monsanto, proceed- *July* 21.

* Captain Elliot's Defence of Portugal.

ed to invest this place. Fort Conception was abandoned and blown up at their approach. General Craufurd, however, continued to occupy a position near Almeida with 3200 British, and 1100 Portugueze troops, eight squadrons of cavalry included. The chain of his cavalry outposts formed a semicircle in front of the town, their right flank resting on the Coa, near As Naves, about three miles above this fortress, and their left, in like manner, resting upon the same river, about three miles below it, near Cinco Villas. The centre was covered by a small stream, and on the right and centre, where it was expected that the enemy would advance, the cavalry posts were supported by piquets of infantry.

Had Almeida been built in a modern age, it would have been placed behind the Coa, not in front of it. In the days of King Diniz, it was of no importance on which side the river ran; but General Craufurd seems to have committed an error in taking a position which had the river in its rear. There was but one road by which the artillery and cavalry could retreat, that leading from Almeida to the bridge, which is about a mile west of the town. The nature of the ground made it difficult for the enemy to approach this road on the left of the allies, and on the south the infantry were placed to cover it, having their right flank resting on the Coa above the bridge, their front covered by a deep rocky ravine, and their left in some enclosures near a windmill, on the plain, about 800 yards south of the town. Upon this windmill the governor intended to mount a gun, and the gun was lying in it, but not as yet mounted, and consequently useless; another dismounted gun was lying near the mill. These guns of course could be of no use in the action which ensued, but they figured in Marshal Massena's account of it.

On the morning of July 24th, the centre of the British line of piquets was attacked; they were supported by the 14th light dragoons and two guns, but were withdrawn when a considerable column of the enemy appeared with artillery, and began to form on the other side of the rivulet. The force which Marshal Ney, who directed the movements this day, brought into the field, consisted, according to the account of Massena himself, of 20,000 foot, and between 3 and 4000 horse. Fifteen squadrons of cavalry crossed the rivulet as soon as the piquets retired, and formed with artillery in front, and about 7000 infantry on their right; other troops meantime were advancing upon the right of the British position, the side on which they might best expect to cut off the retreat of the allies to the bridge. General Craufurd now perceived that it was impossible for him to prevent the investment of Almeida, and that he was on the wrong side of the Coa. The artillery and cavalry were therefore ordered to retreat along the only road which was practicable for them; the infantry from the left to move off in *echelon;* the right it was necessary to hold till the last, to prevent the enemy from approaching the bridge by a road coming from Junca, which runs in the bottom of the valley by the river side.

On the left, the men had to retreat through thick vineyards, intersected with deep trenches, and with walls six or seven feet high: they could not take advantage of this ground, for the enemy were in such force, that there was imminent danger of being overpowered, and cut off before they could reach the bridge. One of these walls

General Craufurd had considered as a complete defence against cavalry; it enclosed a vineyard, in which some companies had been stationed, but there had been a heavy rain during the whole of the preceding night, and the troops had pulled down this wall in many places to make use of the stones to form a shelter; through these openings the enemy's horse entered, and here they made most of the prisoners who were taken in the action. To retire in order over such ground was impossible, but the retreat was made with characteristic coolness. On the other side the bridge, the ground was equally unfavourable for re-forming; the 43d and part of the 95th regiments were ordered to form in front of the bridge, and defend it as long as they could, while the rest of the troops should pass over and take a new position. They obeyed these orders so literally, that they defended it all day; three times the enemy attempted to force the passage, and each time they were always desperately repulsed at the point of the bayonet; at length, when night closed, every thing had passed over, and the enemy had ceased to assail them, these brave men retreated from the post which they had maintained so nobly, and where so many of their comrades had fallen: the heaviest loss fell upon these gallant regiments. Our total loss, in killed, wounded, and prisoners, amounted to 330.

Massena's official statement of this action was a masterpiece of impudent falsehood. He asserted that General Craufurd's force consisted of 2000 horse and 8000 foot, and that they were all posted under the guns of the fortress; that they gave way before the French, our cavalry not daring to meet them with the sabre, and the infantry pursued at a running step; that we lost 60 officers, of whom 24 were buried in the field of battle; 400 killed, 700 wounded, 400 prisoners, one stand of colours, and two pieces of cannon, while the loss of the conquerors did not amount to 300. He took no colours, and the two pieces of cannon were the dismounted guns at the windmill. In a subsequent dispatch, Massena assured the war minister that all his troops were burning with impatience to teach the English army what they had already taught Craufurd's division. Our own gazette had already shown the veracity of this boaster's account, but this new insult called forth a counter-statement from General Craufurd, from which this detail has chiefly been drawn, and to the truth of which the whole British army are witnesses. Certain it is, that General Craufurd ought not to have exposed himself to such an action; but never did men behave more gallantly than all who were engaged that day, British and Portugueze alike. They effected their retreat under the most disadvantageous circumstances, without losing a gun, a trophy, or a single article of field equipment, and they inflicted upon the enemy a loss, which, by his own account, was nearly equal to what we know to have been the sum of ours, and which in reality doubled its amount.

Massena affirmed likewise, that one of our couriers had been taken with all his dispatches, which represented that the English had never been engaged in so brisk an affair; that they were in full route; and that it was impossible to form an idea of their deplorable condition. Of the condition of that army, and the full route to which he had driven them, it was not long before Massena obtained some correct personal knowledge; but it is probable that some desponding letters

may have fallen into his hands, and as the manner of General Moore's retreat had been marked with no public disapprobation in England, it is likely also that he expected to drive the British army before him full speed to Lisbon. Letters had been written from that army to Porto, in which the writers had delivered it as their opinion that our forces must inevitably retreat, Massena having such an immense superiority, that Portugal could not possibly be defended against him. These letters excited such alarm among the British merchants in that city, that the vice-consul applied to our admiral at Lisbon, requesting he would take into consideration the necessity of having a sufficient force off the Douro to protect the British subjects, who, on account of the imminent danger, might be compelled to embark without the least delay. They were in the utmost consternation, he said. Admiral Berkeley thought it proper to send this requisition to Lord Wellington, who in consequence issued general orders upon the subject. "He would not make any inquiry," he said, "to ascertain the authors of these letters, which had excited so much fear and consternation in a place where it was most to be wished that none should exist. He had frequently lamented the ignorance displayed in letters from the army, and the indiscretion with which those letters were published. It was impossible that many officers could possess a sufficient knowledge of facts to be able to form a correct opinion of the probable events of the campaign, yet when their erroneous opinions were published, they could not but produce mischievous effects. He requested, therefore, that the officers, on account of their own reputation, would refrain from giving opinions upon matters, with regard to which they could not possibly possess the necessary knowledge for giving it with correctness; and if they communicated to their correspondents facts relating to the position of the army, its strength, the formation of its magazines, preparations for cutting down or blowing up bridges, &c., they would at least tell their correspondents not to publish these letters in newspapers, unless it was certain that the publication could not prove injurious to the army and to the public service."

There was good cause for this reproof. The effect of such aguish predictions in Portugal, could only be to make the Portugueze believe we should forsake them, and thus dispose them for submission to the enemy; while, in England, they assisted the party of the despondents, whose journalists, Scotch and English, were labouring to strike their country with a dead palsy. "We had been lulled," they said, "into the most dangerous confidence. Massena was only waiting for the advance of his flanks, that he might, with his whole combined army, either force our handful of men to a battle, or surround them: all that could be expected was, that the survivors might be enabled to retire to their ships with eclat." By the next dispatches it appeared, that it was more easy for a journalist to imagine such a manœuvre, than for Massena to execute it; but this had no other effect than to make them change the note of alarm. "If Massena did not destroy Lord Wellington's army by fighting, it could only be because he meant to destroy it by not fighting; for Massena was the most consummate captain of all Buonaparte's generals. And did ministers anticipate with complacency the continuance of our army in Portugal through the win-

ter? The rainy season was approaching; might it not be the deep policy of this arch-statesman and conqueror to keep our army there? He would be content to devote Massena and his army to destruction, if it would facilitate some ulterior plan; might he not mean to ruin us by the expence of our army there? What should we say, if it were really a part of his policy to keep that army there, while he, having possession of the Dutch, the Danish, and the Swedish fleets and ports, made a descent upon England or Ireland? They trusted ministers were upon their guard, and that they destined their troops at home for a service more imminent than the reinforcement of Lord Wellington."

While these writers, in the pure spirit of faction, were thus advising a diversion in favour of the enemy, Ney, who conducted the siege of Almeida, directed Loison to summon the governor. Loison had made himself peculiarly infamous in Portugal during the French usurpation; his cruelty and rapacity were equally notorious. When his quarters were in the archbishop's palace at Evora, he had actually been seen, while the archbishop was sleeping, to steal his ring from the table, and had destroyed great part of this venerable prelate's collection of manuscripts in despite, because he found nothing concealed behind them. This ruffian addressed the governor as a Portu-

July 24. gueze, admonishing him not to hazard the interests of his nation for a vain point of honour. "None," said he, "knows better than you do, that the French come to deliver you from the yoke of the English. There is not a Portugueze who is ignorant of the little consideration which his country enjoys among that people. Have they not given abundant proofs of the little attention which they pay to a nation worthy of esteem, and for a long time the ally of France? Their occupation of all the civil and military posts, proves to demonstration, that the intention of the English government is to consider Portugal as one of her colonies. The conduct which the English have held with regard to the Spaniards, whom they promised to defend, but abandoned, should open your eyes, and convince you that they will do the same with regard to Portugal. Sir Governor, his excellency has charged me to offer you the most honourable capitulation, by which you may retain the government of your fortress, and your garrison be admitted into the number of those Portugueze troops that have remained faithful to the interests of their country. In your hands, therefore, is placed the fate of Almeida, and of your companions in arms. If you refuse to accede to this proposal, you will become responsible for all the blood shed unavailingly, in a cause which is foreign to the Portugueze nation."

Brigadier Cox happened to be in the covered way, close to the barrier gate, when the flag of truce arrived with this summons. Without permitting the French officer to enter, he returned a verbal answer, that the fortress would be defended to the last extremity. The Portugueze troops, of whom Loison spoke as being engaged in the service of France, were the remainder of those whom Junot had hurried away from their own country. The men, Buonaparte was too wary to send back; but Massena brought with him a few nobles, who, having long preyed upon the country which they disgraced, completed their infamy by betraying it. To

these traitors, Loison appealed in his summons, saying, they could assure the governor of the honourable manner in which they had been treated. The Marquis of Alorna, D. Pedro de Almeida, was the most conspicuous among them; he and his accomplices used all their influence to persuade their countrymen to submission; but the Portugueze had already experienced the effects of non-resistance, and the inhabitants of Castello Mendo, and a few other villages on the borders of Beira, were the only persons who were unfortunate enough to be deceived. These poor people, instead of abandoning their habitations on the approach of the enemy, in obedience to the orders which had been issued, remained in them, fearing to encounter the evils of wandering in search of shelter, and hoping, that, as they submitted to the enemy without resistance, their property would be safe, their women preserved from violation, and their lives secured. But the French, in Spain and Portugal, conscious of the wickedness of the cause in which they are engaged, seem, like the pirates of the last century, to consider themselves in a state of reprobation, and to commit crimes which make humanity shudder, as if for the purpose of showing their desperate defiance of God and man. "The inhabitants of these submissive villages, suffered all the evils which a cruel enemy could inflict; their property was plundered; their houses burnt; their women atrociously violated; and those, whose age and sex did not provoke the brutal violence of the soldiers, fell victims to the confidence which they placed in promises made only to be broken." The warmest advocates against the Spanish and Portugueze, however anxious to discredit the accounts of the enormities of their detestable invaders, must be satisfied with the authority upon which these facts are recorded. They were publicly proclaimed by the Portugueze government, and are here related in the words of Lord Wellington himself.

That general addressed a proclamation to the Portugueze upon the occasion, telling them they now saw what they had to *Aug.* 4. expect from the French. They now saw, that no means remained to avoid the evils with which they were threatened, but a determined and vigorous resistance, and a firm resolution to obstruct as much as possible the advance of the enemy, by removing out of his reach all such things as might contribute to his subsistence, or facilitate his progress. "The army under my command," said he, "will protect as large a portion of the country as is possible; but it is obvious that the people alone can deliver themselves by a vigorous resistance, and preserve their goods by removing them out of the reach of the enemy. The duties, therefore, that bind me to his Royal Highness the Prince Regent of Portugal, and to the Portugueze nation, oblige me to make use of the power and authority with which I am furnished, to compel the careless and indolent to make the necessary efforts to preserve themselves from the dangers which threaten them, and to save their country. In conformity with this, I make known and declare, that all magistrates and persons in authority who shall remain in the villages or towns, after having received orders from the military officer to remove from them, and all persons, of whatever class they may be, who shall maintain the least communication with, or aid and assist

in any manner the enemy, shall be considered as traitors to the state, and tried, and punished as such an enormous crime requires." The manner in which Lord Wellington assumed this power, in the name of the Prince Regent of Portugal, and of the Portugueze nation, was as wise as the assumption itself was proper in such circumstances. The Portugueze people also were fully sensible that their duty and their interest was the same, and never did any people act with more determined zeal in defence of their country.

Massena opened his trenches before Almeida on the night of the 15th of August. While a false attack was made against the north of the town, 2000 men dug the first parallel to a depth of three feet; and on Sunday the 26th, at five in the morning, 11 batteries, mounted with 65 pieces of cannon, opened their fire. The garrison consisted of 5000 men, of whose spirit no doubt was entertained; the place was well provided, and its works had been placed in so respectable a state, that Lord Wellington felt assured it would delay the enemy till late in the season, even if he should be unable to find an opportunity of relieving it. These well-founded expectations were frustrated by one of those chances which sometimes disconcert the wisest plans, and disappoint the surest hopes of man. On the night after the batteries opened, the large powder magazine in the citadel, with two smaller ones contiguous to it, blew up. More than half the artillerymen, a great number of the garrison, and many of the inhabitants, perished in this dreadful explosion; many of the guns were dismounted, and the works were rendered no longer defensible, even if the means of defence had been left; but, except a few cartridges for immediate use, and 39 barrels of powder in the laboratory, the whole of the ammunition was destroyed.

Great as the calamity was, the evil would have been far more alarming had it proceeded, as was at first supposed, from treason; but, according to the best information which could be collected, it was altogether accidental. The magazine was bomb-proof; they were taking ammunition from it, when a shell fell upon one of the carts. The lieutenant-governor, Francisco Bernardo da Costa e Almeida, had behaved well till the batteries opened; he was then so terrified that he shut himself up in the bomb-proofs. Having thus proved himself a coward, mere shame made him a traitor; and after the explosion he took advantage of the confusion to counteract the governor's attempt to hold out longer. Another traitor was found in the major of artillery, Fortunato Jose Barreiros. He had behaved well during the siege, but when he was sent out to propose terms of capitulation, for the purpose of gaining favour with the enemy, he communicated to him the whole extent of the disaster; so that Massena, knowing the place was at his mercy, was enabled to dictate what terms he pleased. The garrison were made prisoners of war, with this exception, that the militia, having deposited their arms, should return to their homes, and not serve during the present war.

These terms were broken by the French, with their usual perfidy. Alorna endeavoured to persuade the garrison to follow his example, and take arms against their country. Not an officer or man of the militia was to be seduced; but Massena ordered 1200 of them by force to be employed as a corps of pioneers. With the

regular officers he was more successful. Marshal Beresford particularized in his dispatches those who were faithful; from which it appears that there were others of the old leaven,—wretches, who degraded the army, and brought disgrace upon the nation. Massena boasted that the 24th Porto regiment hated the English, and that therefore he should retain it in his service; but he belied his own assertion, by saying that he should take good care to keep an eye on them, and not to place them in important posts. Massena would not have trusted them even thus far, had he not judged of the Portugueze by the traitorous nobility with whom he was acquainted. Nearly the whole of the men, whom he represented as traitors, and forced to appear as such, joined Colonel Trant and Marshal Beresford in the course of ten days.

The Portugueze regency now declared Alorna a traitor, and offered a reward of a thousand moidores for him, alive or dead. The Marquis of Ponte de Lima, the Marquis of Loula, the Count of St Miguel, the Count of Ega, Gomes Freire de Andrade, and D. José Carcome Lobo, were also declared traitors, and their property declared to be confiscated: but these traitors had too many powerful friends in the state; and it is said that, notwithstanding the decree, their property remained untouched, in the hands of persons in whom they could confide. A change had lately taken place in the Portugueze regency. The Marquez das Minas resigned, in consequence of an illness which soon proved fatal. The other two members were, the Bishop of Porto, who was patriarch elect, and the Marquis Monteiro Mor. Four new members were now added; the Principal Sousa, brother to the Conde de Linhares, who was minister in Brazil, and to the Portugueze ambassador in England; the Conde de Redondo; S. Ricardo Raymundo Nogueira, who had been law professor at Coimbra; and the English ambassador, Mr Stewart. Admiral Berkeley was at the same time appointed by the Prince of Brazil commander-in-chief of the naval, as Lord Wellington had been of the military force of Portugal. There are few things in the annals of England more honourable to the national character, than the perfect confidence reposed in us by our old ally, and the manner in which that confidence has been requited. While the enemies of both countries were endeavouring to incense the Portugueze against us, by telling them that we meant to usurp Portugal, and while the enemies of administration were traducing and insulting them, and crying out that they would not defend themselves and could not be defended by us, and therefore that we ought not to attempt to defend them, the English army and the Portugueze people were acting with the most perfect unanimity, for the common interests and common safety of Great Britain and Portugal.

The spirit of the people, without which all other means of defence must have been ineffectual, was what England could neither give nor take away; but for the measures by which that spirit was so directed as to secure its end, Portugal was indebted to British councils. Military and financial resources, of which the nation had not supposed itself capable, were called forth, and the Portugueze were addressed by their rulers in language to which they had long been unaccustomed,—the language of hope and confidence, and conscious rectitude as well as conscious strength. Like the

supreme junta, the regents reminded the Portugueze of their heroic ancestors; they spoke of the wickedness of the enemy, the inexpressible miseries which would accompany their yoke, and the certainty of glorious success, if those exertions and sacrifices were made which the times required; but the Portugueze regency did not, like the Spaniards, speak to the people of the causes which had rendered this invasion possible, and produced the decay of Portugal; nor did they hold out the promise of the restoration of their rights, the redress of their grievances, and the due execution of their laws. Such promises were not necessary as excitement; a people who were literally defending their hearths and altars, and fighting to save their wives and daughters from violation and butchery, or to revenge them, needed no additional feeling to goad them on; as pledges, it is to be wished they had been held out; but the government had not the prudence to think of reforming itself. In providing for the defence of the country, it acted providently and bravely, with wisdom and with vigour; but in other things, the old leaven discovered itself, and made it apparent that the pleasure of the minister was still the law of Portugal. A decree was published, assigning to the widows, children, or dependent brethren of those who had fallen at Almeida, the full pay of the deceased, and half pay to the families of those who were made prisoners. "The Prince," it said, "would not believe that any of his faithful vassals could have entered the service of the enemy; and if any had been compelled to do so, he trusted they had only yielded to compulsion, with the purpose of effecting their escape. He suspended, therefore, his justice; but if a month elapsed before such persons acquitted themselves by appearing, they would be considered as traitors." Now, the treason of the lieutenant-governor and the major of artillery was open and undoubted: Lord Wellington had stated it in his dispatches to the minister at war; the names of these wretches were given in those dispatches here in England, but suppressed in Portugal, manifestly out of favour to their connections.

In another respect the conduct of the Portugueze regency was more inexcuseable. Eight-and-forty persons, of all ranks and professions, and many of them unacquainted with each other, were seized on the night of the 10th of September, of whom ten were sent to the Tower of St Julian, and the rest to the Limoeiro, the common prison of the city. The most alarming rumours were scattered abroad. A formidable and extensive conspiracy, it was said, had been discovered, which had nothing less for its object than a general massacre of the British, for the purpose of delivering up the country to the French. These reports reached England, and received their first contradiction from the Portugueze government themselves, who found it expedient to declare, that neither Lord Wellington nor Mr Stewart had any part in their proceedings upon this occasion; that the stories of the conspiracy, and of the arms which had been discovered, were false; and that the individuals who had been arrested had been sent out of the kingdom, only because it was the opinion of the police that their residence there might be prejudicial to the public tranquillity. Some of these individuals were permitted to come to England, others were sent to the Azores, after they had suffered every kind of inconvenience, privation, and indignity, to the alarm and distress of the fa-

milies of all, and the ruin of some ;—there was neither proof nor accusation against them ; the whole, as a public act, was one of those freaks which mark the unfeeling folly of an ignorant and obstinate despotism, but of which the secret springs are to be found in private malice or cupidity.

The manner in which the Portugueze government declared, that neither Marshal General Lord Wellington, nor the minister plenipotentiary of his Britannic majesty, nor any individual of the British nation, had any part in these proceedings, nor any previous knowledge of them, make it apparent that the British general and the British minister disapproved of an act of tyranny which was thus in reality disclaimed on their part. They could not prevent that of which they were not apprized before it was done, nor after it was done could they express their disapprobation better than by requiring to have it thus distinctly stated, that the regency had neither taken their advice, nor received their sanction. But had the cortes been restored, this injustice would not have been committed, or would have been redressed ; and till the cortes is restored, and with it the authority of the laws, the Portugueze will always be liable to such acts of capricious oppression. In this instance the iniquity was the more to be regretted, because the other measures of the government entitled them to respect and gratitude. They had restored order in the country, brought its resources into action, and their public acts and declarations corresponded to the spirit of the people. The ringleaders of the mutiny, which, in its consequences, had given Soult possession of Porto, were brought to trial and condign punishment ; and after the most impartial examination of his conduct, General Bernardino Freire de Andrada, who had been murdered at Braga, was declared to have served his country faithfully and well, and the memory of those unfortunate men who had perished in the same tumult was cleared of all imputation. An army more numerous than Portugal had ever possessed, was formed, equipped, and disciplined ; and the government, when it reminded the people of their strength, did not fear to tell them of their danger. It announced the loss of Almeida,—a loss, said the regents, greatly to be lamented for the death of part of its defenders, and the unhappiness of others, who have thus fallen into captivity, but of little importance to the great cause of the salvation of the country. Wellington at the head of the allied armies ; Beresford directing our troops, who are indebted to him for their organization and their discipline ; brave soldiers, and a faithful people, who have sworn to defend their prince and their country to the last extremity ;—these are the bulwarks which defend us, and these an army of slaves, who are continually wasting away by want and desertion, will never be able to beat down.

If Massena had despised the allied armies, as the despondents in England pretended, he would now have marched through Castello Branco, Abrantes, and Santarem, direct upon Lisbon, leaving Lord Wellington behind him ; but Massena remembered the fate of Junot, and had too much respect for the enemy who was opposed to him. His hope was to bring against him a greatly superior force, such as should either defeat him in the field, or make him fly before, in the hope of escaping to his ships. For this purpose, the French general concentrated his army, and Lord Wellington, aware of his object, began to retreat towards Coimbra deliberately, and with such evident fore-

thought and determination, that the retrograde movement did not in the slightest degree abate the spirits of the army. No stores were abandoned, no men and horses foundered; the operations were all performed with ease; the soldiers suffered no privations, and underwent no unnecessary fatigue; the inhabitants retired under their protection, and assisted them in breaking up the bridges, destroying the mills, and laying waste the country; so that Massena found a desert as he advanced. The very few peasantry who ventured to remain in their houses soon repented their infatuation in trusting to French humanity, when they saw their women violated in public. Massena's soldiers, however, had little opportunity of displaying their devilish cruelty upon their advance; he complained that women and children and old men all fled before him, and that not even a guide was to be found in any place. In the town of Celorico he found but two inhabitants, and nothing but bare walls.

There are two roads from Almeida to Coimbra: One on the north side of the river Mondego, by way of Pinhel, Trancoso, and Vizeu; the other on the south or left side, by Celorico, Penalva, and Ponte de Marcella. Massena had thirteen days provisions with him when he left Almeida; his aim was to make himself master of Coimbra, and of the resources of the fertile country about it. With this view he crossed and re-crossed the Mondego; but Lord Wellington still interposed. On the 26th of September, the British army was collected upon the Serra de Busaco, with Ney and Regnier's divisions in their front. By turning the left of the British position, Massena could avoid the Serra de Busaco, and reach Coimbra by the high road to Porto; but this was a circuitous route, and he determined to attack Lord Wellington, relying upon the comparative insignificance of the English in number, and upon the assurance of Alorna and the other traitors, that the Portugueze would fly at the first appearance of an enemy.

Busaco, which was now to become famous in British history, had long been a venerable name in Portugal. It is the only place in that kingdom where the barefooted Carmelites possessed what, in their language, is called a desart, an establishment where those brethren whose devotion flies to the highest pitch, may at once enjoy the advantages of the eremite, with the security of the cœnobite life; one of those * places where man has converted an earthly paradise into a purgatory for himself, but where superstition almost seems sanctified by every thing around it. The solitude and silence of Busaco were now to be broken by events, in which its hermits, dead as they were to the world, might be permitted to feel all the agitation of worldly hope and fear. The British and Portugueze army was posted along the ridge, extending nearly eight miles, and forming the segment of a circle, whose extreme points embraced every part of the enemy's position, and from whence every movement of the enemy below could be immediately observed. On the 26th, the light troops on both sides were engaged throughout the line; at six on the following morning, the French made two desperate attacks upon Lord Wellington's position; one on the right, the other on the left of the highest point of the Serra: this spot is remarkable, as commanding one

* See *Omniana*, Vol. II. for an account of this place.

of the most extensive views in Portugal, and on the very summit stands a cross, planted upon a basis of masonry of such magnitude, that it is said three thousand carts of stone were used in the work. One division of French infantry gained the top of the ridge, and was driven back with the bayonet; another division, farther on the right, was repulsed before it could reach the top. On the left they made their attack with three divisions, only one of which made any progress toward the summit, and this was charged with the bayonet and driven down with immense loss. Some of the Portugueze, charging a superior force, got so wedged in among them, that they had not room to use their bayonets; they turned up the butt ends of their muskets and plied them with such vigour, as completely to clear the way.

Victories of greater result have been gained in Portugal, but never was there a battle fought of more eventual importance to the conquerors; for the Portugueze soldiers, whom the French despised, whom the despondents in England insulted, and whom perhaps many of the British army distrusted, but upon whom the success of the war was to depend, established this day their character for courage and for discipline, and proved, that however the government had degenerated, the people were the same as in the days of Nuno Alvares. Lord Wellington bore testimony to their merit; he declared that he had never seen a more gallant attack than that which they made upon the enemy, who had reached the ridge of the Serra; they were worthy, he said, of contending in the same ranks with British troops in that good cause, which they afforded the best hopes of saving. They obtained a more curious acknowledgment of their good conduct from Junot. Lord Wellington, he said, had practised a *ruse de guerre*, and deceived his enemies by dressing Englishmen in Portugueze uniforms. The loss of the British on this memorable day, was 107 killed, 493 wounded, 31 prisoners; of the Portugueze, 90 killed, 512 wounded, 20 prisoners; of the French, General Simon, 3 colonels, 33 officers, and 250 men were taken, and 2000 left dead upon the field; this was known, because, after the battle, Massena sent a flag of truce, requesting permission to bury his dead; the request was refused, and they were buried by the conquerors; the number of wounded was not at first ascertained, but the prisoners and deserters agreed in declaring that it was very great. 25,000 French were engaged. Massena directed their operations in person. The prisoners and the dead had in their knapsacks unground maize. Soon after the action a flag of truce was sent to the British head quarters with General Simon's baggage, and a young Spanish woman, in male attire, whom he had carried off from Madrid.

The enemy made no attempt to renew the attack. Some little skirmishing with his light troops took place the following day, while he moved a large body of infantry and cavalry from the left of his centre to the rear, from whence the cavalry were seen in march along the road leading from Mortagoa over the mountain toward Porto. By this road Lord Wellington had foreseen that Massena would attempt to turn his left, and had directed Colonel Trant, who, with the militia, was actively employed upon the flanks and in the rear of the enemy, to march to Sardao, and occupy the mountains. It so happened, however, that the general officer who commanded in the north, sent him round by Porto, because the interme-

diate point of St Pedro de Sul was occupied by a detachment of the enemy; and Trant therefore, notwithstanding his utmost efforts, did not reach Sardao till the night of the 28th, after the French were in possession of the ground. Lord Wellington, therefore, that the enemy might not reach Coimbra before him, now having it in their power to bring him to action where he might not wish to engage, withdrew from Busaco. Massena, as had been expected, broke up just before midnight on the 28th; his advanced guard was at Avelans the next day, on the road from Porto to Coimbra, and his whole army was seen in march through the mountains. The allied troops were then in the vale of the Mondego, and on the thirtieth had all crossed to the south side of that river, except the advanced guard, which remained at Coimbra till the inhabitants had time to remove themselves and their effects. They, after they had carried off all that they could, desired the soldiers to take what they were able, then threw the little provisions which remained into the river, and destroyed whatever else could be of use to the invaders.

The French advanced guard appeared in front of Coimbra on the afternoon of the 30th; the next day Lord Wellington crossed the Mondego, and continued his retreat, falling back upon Leiria, while General Hill with his corps retired by way of Espinhal, upon Thomar. The army halted on the fourth. Massena, leaving his wounded and his hospital in Coimbra, advanced in pursuit; a few skirmishes of cavalry were all that occurred, in every one of which the French were taught with what enemies they had to contend, till Lord Wellington reached the position, in front of Torres Vedras, which, from the commencement of the campaign, he had chosen; and Massena, instead of driving the English into the sea, found himself opposed by lines, which, defended as they were by the troops whom he had tried at Busaco, he knew to be impregnable. Early in the year, it had been stated in the newspapers, that men were at work in fortifying this post, and yet the English were as much surprised as Massena, when Lord Wellington, having thus reached his own ground, defied the greatest power which France could possibly bring against him. The lines extended from the sea on one side, to the Tagus on the other; and Romana, as had been concerted, brought his army from Extremadura, to cooperate with the British and Portugueze in their defence.

If Massena and his army, who had looked on with confidence to the plunder of Lisbon, felt their hopes abated at sight of this obstacle in their front, the first news which they received from their rear was not of a nature to encourage them; Colonel Trant, finding himself, through circumstances which he could not prevent, too late to occupy Sardao, and impede the march of the enemy upon Coimbra, concerted an attack upon the detachment which they had left in that city. For this purpose he marched to Mialhada, to join the corps under Brigadier-General Miller and Colonel Wilson. In this he was disappointed; the country around Busaco having been entirely exhausted, these corps were delayed for want of supplies, and their cavalry was so fatigued that they could not advance rapidly. What was to be done? any delay might give the enemy leisure to prepare for defence, whereas it *Oct.* 6.

was probable that at this moment they had no apprehension of an attack, and were ignorant that any troops were so near them. Mealhada is scarcely twelve miles from Coimbra, and by a rapid movement they might be surprised. Trant therefore determined to march upon the city with his own division. At a small distance from Fornos he fell in with
Oct. 6. a detachment of the enemy, cut them off from Coimbra, and made prisoners all who were not killed. Then he ordered his cavalry to advance at a gallop by the principal road, cross the bridge of the Mondego, and take post on the road to Lisbon; thus cutting off the communication between the French army and the garrison. The infantry meantime entered the city, and after a contest of an hour, the enemy surrendered at discretion, upon a promise of being protected from the peasantry.

Above 5000 French were made prisoners by this well-timed and important enterprize. All the wounded who had not dropt on the way from Busaco had been left here, but very many never reached Coimbra: 3500 muskets fell into the hands of the conquerors, nearly the whole of which were charged, and from this the number of effective men may be estimated. A great quantity of cattle and sheep were found, which the enemy had collected. Their commissary general had been left as governor, and in his as well as in the hospital department, Massena suffered a loss which was severely felt. Colonel Trant found more difficulty in protecting the French than in taking them prisoners; the militia and armed peasants under his command were exasperated almost to madness by the conduct of this brutal enemy, whose route from Pinhel might be traced by the smoke of burning villages. Coimbra itself afforded a spectacle sufficient to excite the bitterest feelings of indignation and vengeance. That flourishing city, the population of which is estimated at 20,000, was, by the account of the French themselves, deserted when they entered it: out of such a population there must, however, have been many whom it was not possible to remove; age and sickness would detain some, duty would bind others to the sick and the aged; while many, in the fear of casting themselves upon the world as wanderers, and the hope, that, by remaining with their property, they might preserve a part, whereas if they abandoned it all would be lost, would resolve to wait for the evil under their own roofs, or hesitate whether to quit them till it was too late. These unhappy persons found no protection from the old established laws of war. "When," said the Portugueze, "did those laws authorize the violation of women, the slaughter of the aged, and other defenceless inhabitants of places which made no resistance, the assassination of men who were accounted rich, only because they did not furnish that quantity of money which it was said they possessed? Of all these atrocities, and of others still more execrable, examples were given in the city of Coimbra alone."

"Nothing," Colonel Trant said, "could exceed the state of misery in which he found that city. The French, after their dreadful outrages upon the people, had ransacked every house, and church, and public building; in pure wantonness they had set fire to some, and they had heaped up in the streets, in the greatest disorder, all the provisions that the army could not carry with it." About 800 of Trant's men were natives of Coimbra and its district; they were surrounded by their

wretched relations and friends, and twice they broke through the restraints of discipline, to take vengeance upon the villains who were now in their power. Nothing but the greatest exertions on the part of Trant, and the respect in which he was deservedly held, saved these wretches from the fate which they so righteously deserved; and when he had succeeded in repressing the first movements of a people so wantonly and cruelly wronged, he found it necessary to escort the prisoners himself to Porto, believing that nothing but his presence could possibly preserve them.

The recovery of Coimbra was severely felt by Massena; instead of having a strong garrison in that important quarter, occupied in collecting stores for him, and keeping down that part of the country, or at least employing the Portugueze forces in those districts, he was now annoyed by a successful enemy in his rear, while in front he saw a formidable force in a position which it was hopeless to attack. Lord Wellington's lines extended from Peniche and Torres Vedras to Alhandra; being thus flanked by the sea on the left, and the Tagus on the right. His head-quarters were at the Quinta de Pero Negro, near Encharadas. Marshal Beresford was at Sobral. General Hill commanded on the right, having his head-quarters at Alhandra; General Picton on the left, at Torres Vedras. The advanced guard, under General Leith, was at Ribaldeira, and the Lusitanian Legion, which Sir Robert Wilson had raised, now under Baron Eben, was at Runa, in sight of the French encampment. Frigates and gun-boats were stationed from Sacaven upwards, and a battalion of seamen was formed to serve on shore in defending the lines. Land service to these men was a perfect jubilee. They had the town of Alhandra to themselves, for the inhabitants had all left it; and there they sat in large arm-chairs, two centuries old, in the open streets, smoking and drinking, while they were off guard.

Trant was at Ourem, in the rear of the enemy; their right flank was annoyed by the garrison of Peniche, and by the Portugueze General Bacellar, from Obidos. Abrantes was garrisoned behind them, and Silveira, on the frontiers of Beira, cut off their communication with Castille. Massena was too strong in numbers to be beaten without a greater expence of lives than Lord Wellington could afford: the British general therefore trusted to famine, and to that worrying system of national warfare which no army can withstand. Famine would soon have done his work, if his precautions and the orders of the regency had been duly observed, and the country completely cleared before the enemy approached; but here he was thwarted by the old vices of the government. The local magistrates took no measures for enforcing these orders, or their measures were inadequate: while the danger was at a distance, they continued to hope that it might be averted, or at least that it would not reach their particular district. But Massena derived the greater part of his supplies from the stores which the farmers had buried, that they might not be obliged to sell them below the market price, and at long credit to the commissaries. Servants, who had assisted in burying the grain, were bribed to discover it; and indeed when this was not done, there was little chance of its escaping the search of the French, who have so long been accustomed to plunder that they proceed in their search for booty of every

kind upon a regular system. A hammer and a small saw usually make part of a French soldier's baggage, that he may have his tools at hand when the work of pillage begins. Every piece of furniture in which there can be any places of concealment, these disciplined plunderers break open from behind; so that no contrivance of this kind escapes them: having satisfied themselves that nothing in the house can be hidden from them above ground, they proceed to inquire whether any thing has been buried. They examine whether there is any new masonry, behind which valuables may have been secreted; if any part of the cellar or ground floor appears uneven, they dig it up; where there is no such indication, they pour water upon the ground, and if it be absorbed in one place faster than another, there they break the earth. In Germany, it is said, they broke open the vaults in the churches, and searched the graves in the church yards. While the house-search is going on, one of the party keeps his eye fixed upon the owner, if he be in their hands, to observe by the changes of his countenance whether the others are near the spot in which he has concealed his money. The brutality of their personal searches is too horrid to be related.

All concealed stores were soon discovered by experienced free-booters like these. The peasantry universally employ oxen for draught, and many of these fell into their hands; but the cattle were soon consumed, because the French fed more upon animal food than they were wont to do, for want of bread, the mills having been destroyed. Handmills, which now make part of their regimental equipments, are a later invention of Marmont's, suggested, perhaps, by the inconvenience which Massena suffered from this cause. They bruised the corn, and then boiled it, and they roasted the maize; the grapes and later fruits also had not been gathered in before their irruption; and these various resources enabled them to maintain their ground, which they could not possibly have done for many days, had the country been effectually cleared before them, according to Lord Wellington's purpose. His enemies in England soon began to raise an alarm, "that Lisbon, not Massena, was in danger of famine; he could drive in upon our lines the population of the surrounding country to increase our difficulties, and to relieve his own could send his foraging parties into an immense track of country as yet untouched. England, meantime, must send out not merely regiment after regiment, but cargo after cargo of grain throughout the winter; and what if the bar of the Tagus should be locked up by adverse winds? Massena, we might be sure, with the talents and prudence universally ascribed to him, did not act without a confident prospect of success.* It had been said in the Gazette, that he possessed only the ground on which his army stood; this was an *erratum*, where for Massena, we ought to read Wellington. Our situation in Portugal would become infinitely more disagreeable than his, even if he did not, bringing his whole force to bear on one, two, or three points, by his superior numbers thus concentrated, break the lines in which Lord Wellington's army was so much drawn out. He

* The *Terras Vades*, this writer says, was a most favourable position; and when he had learnt to spell the words, he talked of *piercing through* the *Torras Vedras*.

would have the most productive part of the kingdom open to him; we should have only Lisbon and its vicinity, with the whole Portugueze army to maintain, as well as the British; nay, with the whole population of Lisbon, increased by the fugitives who had taken asylum there, deprived of their usual resources, and thrown upon us even for daily bread! What a delicate and irksome part then would our troops have to support, if they were to pass the winter upon those mountains, possessing no part of Portugal but that in which they were posted, incessantly harassed by the French in their front, with a Portugueze army double their own number within their lines, and a starving metropolis in their rear? The French had obviously the advantage; they could remain in their post as long or as short a time as they pleased: they could retire and return at their discretion. They might wait for the reinforcements which the despot their master might draw to their aid from every quarter of subjected Europe: they were likely to accumulate, while the British must in the nature of things decrease. Massena was in truth master of the game he had to play. The most disastrous thing that could happen to us, next to positive defeat, would be the necessity of keeping our positions on these heights for the winter; and we trust," said these sapient and hopeful directors of public opinion, "we trust that we shall not have to incur that calamity! Lord Wellington may re-embark his troops without much molestation, and rather than he should be driven to the necessity of continuing in these positions for the winter, we confess, we wish that he were re-embarked."

Such was the policy which the party of the despondents recommended, and which they were ready to have pursued, if they had obtained that power which circumstances, as unforeseen as they were melancholy, seemed at this * time to put within their reach. At Lisbon, meantime, the utmost confidence was felt: there the people knew the nature of their country, and the spirit of their countrymen, and relied with perfect faith upon the skill of Lord Wellington, and the strength and discipline of the allied armies. Such was the perfect security which they felt behind his impregnable lines, that parties went up to Alhandra to see them, as idlers flock from London to a review upon Blackheath. Frequent skirmishes took place in the flank and in the rear of the French encampment; but the piquets, by one of those agreements which common interest will occasionally produce between mortal enemies, did not fire upon each other; and this gave occasion to some of those old humanities, by which war was at once mitigated and ennobled, before the Corsican and his remorseless agents brought back the cruelties of a barbarous age. A French piquet, in front of the piquet of the 92d regiment, had a bullock which they were about to kill for their dinners; the animal broke loose, and ran into the neutral ground, when he was brought down by an English shot, and dropped within the lines. While the men were in the act of cutting up their prize, two of the enemy came forward without arms, and waving white handkerchiefs. Under these extempore flags of truce, they brought a message from their officer, begging to have part of the beef, and saying

* November.

he was sure the English were too generous to deprive his men of the only provisions they had for the day. They were sent back with half the beef, and a present of several loaves of white bread, and a bottle of rum. The piquets became so familiar, that some of our men went and drank wine with the enemy, till an order was issued to forbid it.

As for the apprehensions of a famine in Lisbon, they originated in pure ignorance. For many years past that city had been supplied with corn for eight months of the twelve from foreign markets. That portion of country from which it receives all its garden produce was within the British lines; and on the other side the river, Alentejo and Algarve were free from the enemy; and the latter fertile province, with that part of the former which is considered as the granary of the south of Portugal, perfectly secure from them, unless the conquest of the kingdom were effected. There was necessarily great distress at Lisbon, so many families having been driven there who were totally destitute; but their distress was alleviated materially by the care of the government, and by the character of a religion in which alms-giving is ranked so high in the scale of religious virtues, and in the regular compensation for sin. Thousands of these poor fugitives were hutted in the open country; many were sent across the river, and they who came from those parts of the country which were freed from the French returned home. Provisions were dear, but there was neither danger nor dread of famine: the Barbary coast was close at hand; the American embargo did not extend to Portugal, and the supply of wheat soon kept pace with the demand.

Massena made several ineffectual attempts to relieve himself by crossing the Tagus: but the whole country was in arms against him; and Major-General Fane had been detached, with a sufficient force of cavalry and infantry, to repel any attempt which the enemy had the means of making. He threatened to destroy the little town of Chamusca, if the boats there were not sent over; upon which the peasants set fire to them. He threw bridges across the Zezere, reconnoitred Abrantes, which he found too well protected to be attacked, and, under cover of that operation, moved a detachment toward Villa Velha, in hopes of obtaining possession of the bridge over the Tagus, a well-known point in the military history of Portugal: finding the bridge destroyed, the French returned to Sobreira-Fermosa. Massena had early applied for reinforcements, for death and desertion were thinning his troops so rapidly, that, without a considerable addition of numbers, he knew it would be impossible to maintain his ground in Portugal, till a plan of cooperation with Soult could be carried into effect, on which his only possibility of success depended. At length, after remaining a month with his right at Sobral, and his left upon the Tagus, in front of the British lines, the country which he had occupied was entirely exhausted, and he broke up *Nov.* 14. in the night to better his quarters for the winter, falling back to Santarem; a movement so ably conducted, that not above 400 prisoners were lost during the operation. During the month which he remained in this position, it is asserted that he lost nearly 3800 men by desertion.

The French were not satisfied with their general's inactivity. Over the door of his quarters in Alenquer,

these words were found when the English entered the town; "Here was the lodging of the Prince of Essling, who has made more noise in beating the drum, than in beating the English and Portugueze;"* alluding to his history, for it has been said that he entered the army as a drummer. But Massena, in all his conduct, displayed great military talents, and by this movement he placed his army in good quarters, commanding the most fertile parts of Extremadura. This could not have happened if Lord Wellington had been strong enough to have occupied Santarem. General Hill was now sent across the Tagus with his division, to watch the movements of the enemy from Mugem, Almeirim, and Chamusca, on the opposite shore, while the rest of the army took up a position on the river Maior; Lord Wellington's headquarters being at Cartaxo. Massena's position was too strong and too well fortified to be attacked without risking a greater loss than the British army could afford; and here the French general waited for his expected reinforcements, and for the movements which were to be made on the side of Alentejo. Gardanne's division, which had entered Portugal to join him, and was at one time within three leagues of his troops on the left of the Zezere, being harassed by the ordenanza, returned to the frontiers in a manner which, Lord Wellington said, had every appearance, and was attended by all the consequences, of a precipitate and forced retreat. Late in December this division formed a junction with Drouet's corps, composing together a force of from 15 to 17,000 men, and re-entered Portugal by the valley of the Mondego; they made no attempt upon Coimbra, and Drouet, fixing his head-quarters at Leyria, formed a line with Massena, extending from the sea to the Tagus at Punhete.

Things remained in this state at the close of the year. "If this be termed the defence of a country," said the despondents, "the Portugueze or any other people may well exclaim, God preserve us from such defenders!" "The campaign," they predicted, "would be renewed in February, with such an accumulation of force on the part of the enemy, as must make the protection even of Lisbon hopeless, much less the deliverance of the peninsula." "They knew how galling it must be to the pride of the nation thus to be foiled, and thus, in expedition after expedition, to see the treasures and the blood of their countrymen squandered in vain; but if the public would give confidence to men of shallow intellects, to men who, having no real stake in the country, submitted to execute the projects, however extravagant, of the junta who have so long misguided us, they must bear the calamity and disgrace of constant miscarriage. It was a most erroneous view of British policy, to conceive that we could ever, with our limited population and commercial habits, become a military people, and it would be just as rational for the French to strive to cope with us by sea, as for us to enter the lists with them by land. All that we now pray for is, that our eyes may be at length opened to the true policy which we ought to pursue, that of retrieving our finances, and employing our resources upon objects truly Bri-

* *Icy estoit le logement du Prince d'Essling, qui a fait plus de bruit en batant la caisse, q'en batant les Anglais et les Portugais.*

tish." This was the language of the despondents at the close of 1810, and for the first time it excited the fears of the country, likely as it then was that they would soon have it in their power to act upon the principles which they professed. The ministry, meantime, with a spirit which alone would be sufficient to atone for all their errors, and entitle them to the gratitude of England, ordered off reinforcements to Lord Wellington, on their own responsibility, and at a moment when they held their power by so precarious a tenure, that it was not unlikely their successors' orders for the evacuation of Portugal might be upon the seas at the same time. They, however, were resolved to discharge their duty to the last, and it was not long before they reaped the reward of it. A prevalence of westerly winds, very unusual at such a season, detained these reinforcements for many weeks, most unfortunately for Lord Wellington. While, however, he was expecting this accession of strength, which would enable him to act upon the offensive, Massena's situation became every day more difficult; the country which he covered with his troops was soon exhausted, an enemy whom he had now learnt to respect was in his front, an active and enterprising irregular force acted upon his rear, and the peasantry carried on an incessant system of annoyance against their invaders, with the most deadly hatred and determined patriotism. The French in Spain were so little in a state to assist him, that he was obliged to have his biscuit from France, which, after it entered Spain, had to travel 800 miles through a hostile country. Lord Wellington had felt how difficult it was to act in concert with a large Spanish army; he now felt the full value of the co-operation of the Spanish people and the guerrilla parties, who, acting along the whole line, from the Pyrenees to the frontiers of Beira, contributed essentially to the deliverance of Portugal.

CHAP. XVII.

Soult's Decree. Guerillas. The Empecinado. Espoz y Mina.

WHEN Blake had the command in Catalonia, this sentence was found written upon the wall of the apartment in which a French officer of rank and great respectability had been lodged. *O Peuples d' Espagne, que vous seriez laches, si vous ne preferiez la mort au joug d'aussi cruels devasteurs!* "O people of Spain, what wretches you would be, if you did not prefer death to the yoke of these inhuman ravagers!" Blake thought it worthy of being transmitted to his government, because, he said, it showed in what light the least barbarous of the enemy themselves regarded the war in which they were engaged. Macdonald had the same feeling; the Spanish deserters, and those who, having been drawn in the *quintos*, had fled to the towns which were occupied by the enemy, to avoid serving, he sent into France, under a guard and with their hands tied; and when they complained of this treatment, and said that perhaps they were to be marched into Germany, he told them that they deserved every evil which could befal them, for having deserted their country. A few wretches there will be in every country, but nowhere, since the commencement of the world, has there ever appeared a more general spirit of patient and unconquerable patriotism than in Spain. "Independence or death," was the toast given at a table where a German officer, who had been taken prisoner, was seated. The German upon this addressed the Spaniard by his side; "Let what will happen," said he, "you are happy, for you defend yourselves; but we, divided among an infinity of princes, have been enslaved without even the consolation of having drawn our swords!" "What a contrast between this people and the Germans!" said a Frenchman, in one of the intercepted letters. "This is worse than La Vendee; to live in peace here, we must not leave a Spaniard alive." In a bitterer spirit the ferocious Ney said to the people of Vitoria, "Yes, you will win your cause; but you shall not have eyes to weep for the state in which you will be left!"

The junta of Seville, at the beginning of the contest, perceived that the real strength of Spain lay in her people, and not in her armies. The central government understood the importance of that irregular and universal warfare, for which the temper of the Spaniards and the nature of the country were equally adapted; but by a strange blunder they attempted to organize this system ac- *Dec.* 28, 1808.

cording to regular laws, and drew up a long edict, dividing this force into partidas, which were to consist of volunteers, and quadrillas, which were to be formed of smugglers, appointing them pay, forming regulations for them, and subjecting them to military law. They acted more wisely when they proclaimed it a Moorish war, *Guerra de Moros contra estos infideles*, and bade the Spaniards remember in what manner their fathers had exterminated a former race of invaders. The country, they said, was to be saved by killing the enemies daily, just as they would rid themselves of a plague of locusts. The work was slow, but sure, and in its progress it would bring the nation to the martial pitch of those times, when it was a pastime to go forth and seek the Hagarenes. They reminded them of the old Castillian names, for skirmishes, * ambushments, assaults, and stratagems, the necessary resources of domestic warfare, and told them that the nature of the country and of the inhabitants rendered Spain invincible.

Wherever the Spaniards had no army, the contest assumed this character of the age of the shield and the lance; and from the moment that the French were masters of the field, and would, in any other country have considered their conquest as complete, from that moment a wearing, wasting war commenced, against which discipline was of no avail, and which must ultimately consume any military power, however great. Every day some post of the invaders was surprised,—some escort or convoy cut off,—some plundering party put to death; plunder was recovered; dispatches were intercepted; above all, vengeance was taken, and guilty blood was shed. Nowhere were the enemy safe but in large bodies, or within their fortified towns. In every part of Spain leaders started up, who collected about them the most determined spirits. In one, *El Pastor*, the Shepherd, was the leader; in another, it was *El Medico*, the Doctor; *El Manco*, the Cripple, headed one band; the Potter, *El Cantarero*, another; and Francisquite, or Little Francis, became as famous over the whole of Spain, for his exploits against the invaders of his country, as ever Little John was in our own, for the havoc which he made among the king's deer. D. Ventura Ximenez extended his incursions from Badajoz to Toledo. D. Julian Sanchez was the terror of the French in Old Castille and Leon. Longa distinguished himself in Arragon. Mina began a glorious career in Navarre; and D. Juan Martin, the Empecinado, from the mountains of Guadalaxara, carried his arms far and wide, baffled all the efforts of the French in Madrid, and alarmed the intruder for his own personal safety. These men were the Cids and the Laras of their age, not less enterprizing, not less brave, not less useful to their country, and some of them destined to be not less illustrious: followers enough were found to join them, induced not only by the wildness and stimulating perils attendant upon a life of outlawry, but by the strongest passions of which the heart of man is susceptible,—patriotism, which their faith sublimed and strengthened; and hope, which that faith and feeling rendered inextinguishable; and burning hatred, seeking revenge for the most cruel wrongs which can be inflicted upon humanity.

* *Escaramuzas, celadas, rebatos, ardides,—son nombres castellanos de la antigua milicia, la mas necesaria en la guerra domestica.*

When Mr Whitbread, endeavouring to extenuate the crimes of the French in Spain, hinted that our own country had committed similar abuses, as he was pleased to term them, under circumstances of less provocation, he wronged human nature as well as his countrymen. The French had no provocation in Spain, no cause, no pretext, no palliation, for the wanton and wicked invasion of a country in alliance with them, and even servilely subservient to their interests; and the manner in which they have carried on the war there, is unparalleled in the history of any civilized nation. Far from concealing, or varnishing over their atrocities, in a manner which, however it may affect the names of candour and courtesy, might be called insensibility and injustice by our allies, and would certainly be despised as cowardice by the enemy, our policy should be to keep up that hatred and indignation which such atrocities excite, not against the people of France, but against the Corsican, who has authorized and enjoined them, and the generals and soldiers of the Corsican, by whom they have been perpetrated. The authentic details of their devilish conduct ought to be made as public and notorious as the sufferings of the Marian martyrs were under Elizabeth. The cruelties of such an enemy, and the exploits of our own armies, in aid of the people who have been so wickedly assailed, would powerfully tend to recruit those armies, if the faithful history were sent abroad in every possible shape, hawked in the streets and market-places of every town, and circulated through every village and hamlet. The cause of the war in the peninsula may be made as plain to the capacity of the ploughman as of the politician; the motives of honour, policy, and self-preservation, which induce Great Britain to support it, may be made equally manifest. There was in the beginning but one feeling upon this point, and it is our own fault now if we suffer the understanding of the multitude to be deceived, and their hearts perverted, when, if we were but half as sedulous in teaching truth, as the anarchists and the apologists of France are in disseminating their pernicious tenets, the moral instincts of the people would revolt against the sophistry and falsehood by which they are now deluded. Where is the man insensible enough to read the sieges of Zaragoza and Gerona, without a sympathy for Spain, by which he feels himself ennobled? Where is the man who can peruse the tale of the abominations of the French at Ucles,—abominations even worse than those which formerly called down fire from heaven,—without feeling that the wickedness of the enemy sanctifies the struggle against them, and renders it literally and truly a Holy War on the part of Spain, and Portugal, and England?

During the ascendancy of Robespierre, the national convention passed a decree for giving no quarter to the English and Hanoverians; the French government contracted the whole guilt and infamy of such a measure; but the armies were at that time fighting for what they believed to be the principles of liberty, and they refused to obey it. It was reserved for Buonaparte to degrade the armies, and bring the soldiers to such a pitch of depravity, that they should be the willing executioners of any order, however atrocious. Kellerman's decree for hamstringing the cattle, and putting out their eyes, would not be believed hereafter, if the fact were not as undeniable as it is inexpiably dis-

graceful for France. Soult, who had recommended that all the *May* 9. commanding officers employed in Spain should be *impassible*,—incapable of any feeling by which they might even possibly be moved,—issued an edict not less extraordinary than Kellerman's. After various enactments, some of which were as impracticable as they were rigorous, imposing penalties upon the inhabitants of those districts in which the patriotic parties should commit any crimes, as this Frenchman was pleased to denominate these hostilities against the invaders of their country; he pronounced, "that there was no Spanish army, except that of his catholic majesty, King Joseph Napoleon; all parties, therefore, which existed in the provinces, whatever might be their number, and whoever might be their commander, should be treated as gangs of banditti, who had no other object than robbery and murder; and all the individuals of such parties who should be taken in arms, should be immediately condemned and shot, and their bodies exposed along the highways." When the regency saw that this decree was *Aug.* 15. actually carried into effect, they reprinted it, with a counter decree by its side, in French and Spanish, declaring anew, "that every Spaniard capable of bearing arms was in these times a soldier; that for every one who should be murdered by the French, in consequence of the edict of the madman Soult, who called himself Duke of Dalmatia, the three first Frenchmen taken in arms should infallibly be hanged; three for every house which the enemy burnt in their devastating system, and three for every person who should perish in the fire." Soult himself they declared unworthy of the protection of the law of nations, while his decree remained unrepealed. They gave orders, that if he were taken, he should be punished as a robber; and they took measures for circulating both decrees throughout Europe, that all persons might be informed of the atrocious conduct of these enemies of the human race, and that those inhabitants of the countries which were in alliance with France, or, more truly, which were enslaved by her, who were unhappy enough to have children, or kinsmen, or friends serving in the French armies in Spain, might see the fate prepared for them by the barbarity of a monster, who thought by such means to subdue a free and noble nation. This decree appeared during the siege of Tortosa, and the governor, as soon as he received it, sent some copies with a flag of truce to Harispe, who at that time commanded the besieging army. "It was his duty," Lili said, "to put the French general and his commander in chief in possession of this royal decree." Harispe replied, "that he should always receive his messengers with pleasure when they came with decent and useful communications; but in the present case, he must treat them as prisoners of war, as they seemed to have no other object than that of scattering satirical writings." If this answer had not been accompanied by an act in violation of the laws of war, it would have been sufficiently satisfactory to the Spaniards, since the French general could not more plainly show himself ashamed of Soult's decree, than by thus affecting to consider it as spurious.

In the preceding year, Soult complained that some of his generals had shown symptoms of a moral enfeeblement; for the sake of human nature it is to be wished that those symptom

had been more frequent; but the whole conduct of the French in Spain evinces, that men, officers, and generals, were as merciless as this butcher could desire. The murder of the venerable bishop of Coria, at the age of 80; the barbarities committed at Rio Seco; and the unutterable crimes perpetrated in open day-light at Ucles, were not acts of individual wickedness, not "excesses which must have happened;" they arose from the system of the French generals, and the character of habitual cruelty which that system produced in the soldiers. In every part of the peninsula which they entered, outrages and cruelties of the same kind were inflicted upon the wretched inhabitants. A party of 400 foot and 90 horse entered the little town of La Mota del Cuervo, after dispersing the guerilla party of D. Francisco Sanchez. The town's people had not been engaged in any hostility against them, nevertheless they sacked the place. One of the most respectable inhabitants they ript open alive! and during the whole night, the church, in which the women had sought an asylum, was made a scene of horror, which it would outrage humanity, as well as decency, to relate. The alcalde of La Roca, in obedience to D. Carlos Espana, had provided provisions for his troops; the French having discovered this when they entered the town, pulled out his eyes before they murdered him. Before the battle of Talavera, the British troops found in the village of Cassalegos the bodies of two peasants who had not long been dead; one of them was shot through the heart, the other had been burnt to death, and lay with his arms lifted up, his fists clenched, and his face distorted in all the expressions of the utmost agony. These men had been killed by the French in this manner, because they had been met with arms in their * hands.

May 24.

April 21.

Buonaparte is reported to have said, in reply to those persons who represented the subjection of the Spaniards as impossible, that if he could not reign over the Spaniards, at least he would reign over Spain. "*Si je ne regne pas sur les Espagnols, au moins je regnerai sur l'Espagne.*" Upon such a fiendish resolution this atrocious man has proceeded, and to the utmost of his power he has carried it into effect. Mighty as that power is, it is not commensurate with his wickedness; but it has been sufficient to produce more evil than any other individual ever rendered himself accountable for. The horrors which his ruffians committed provoked a dreadful spirit of revenge. The common expression of the French officers, who have returned from the peninsula into their own country, is, that the Spaniards are not men, but devils. One of the intercepted letters stated, that if a straggler fell into the hands of the peasantry, they pricked him to death with their knives. These things are not to be wondered at, when their horrid provocations are remembered. After the massacre at Madrid, some French officers, observing that the mistress of the house in which they were quartered was in great distress, affected with a flippant cruelty to console her, made her the subject of their jests, and pressed her and her daughter to drink with them. She sent her daughter for a bottle, and both the women pledged them first in its con-

* Journal of an Officer. Monthly Magazine, Nov. 1809. p. 352.

tents; the officers, five in number, drank after them, and then she exclaimed, with a passionate and dreadful joy, "We are revenged at last! You murdered my husband, you murdered my son, and you have worse than murdered my daughter: but you have not an hour to live; the liquor of which we have all drank is poisoned." Eight of the Empecinado's men were taken in the Guadarrama mountains, and nailed to the trees, as a warning to their comrades. He nailed the same number of Frenchmen to the same trees; and Bessieres felt it necessary to propose that the prisoners should be treated according to the custom of civilized nations. D. Juan Martin, the Empecinado, acquired that name by which he has made himself so famous, because, when his whole family had been murdered by the French, after the women had endured horrors worse than death, in the first agony of his grief he smeared himself with pitch, (*pez*) as the Jews used to strew ashes on their heads, and vowed never to cease from seeking vengeance while a single Frenchman remained alive in Spain. That vow he has rightfully performed during a long career of dauntless enterprize: he and his band have probably inflicted upon the French a greater numerical loss than they suffered at Talavera, or in any one of the great battles which have been fought in the peninsula. A Spaniard, by name Rigo, after affecting great zeal in the patriotic cause, fled to Madrid, obtained a considerable appointment under the intruder, and became a great persecutor of all who were suspected of corresponding with the patriots. The Empecinado fixed his eye upon him, and obtained intelligence that he was soon to be married, and that the marriage would be celebrated at a house a little way from Madrid. During the wedding-feast, the guerilla chief appeared at the head of a sufficient band in the court-yard, and demanded that Rigo should be delivered up to him, saying no injury should be done to any other of the party. The unhappy traitor was surrendered accordingly, and sent immediately under a small but trusty escort to Cadiz, that he might be executed in the public square; the officer who conveyed him thither, being charged not to leave Cadiz till he had seen the execution performed.

The alcalde of Brihuega was one of those degenerate Spaniards who served the French: many unavoidably submitted to them, but this man was one of their active adherents, and his wife was eagerly attached to the same wicked cause. The Empecinado entered the town and took them both. The alcalde would have suffered summary justice, if the clergy had not interceded for his life; he escaped therefore with a severe beating: a dispatch from the woman to the nearest French governor had been just intercepted; they cut off her hair, shaved her eyebrows, tarred and feathered her, and paraded her through the streets; after which she and her husband were delivered over as prisoners to the junta of the province. The nature of the intercepted dispatch had probably irritated them against this woman, for the general conduct of the Empecinado towards his prisoners might have taught the French humanity. The intruder himself narrowly escaped a fate like that of Rigo from this enterprizing chieftain. He was dining at La Alameda, six miles from Madrid, on the road to Guadalaxara, with Belliard and some women, when their entertainment was interrupted by tidings that a party

of patriots were approaching, and they were fain to break off their repast, and hasten as fast as possible to Madrid. On another occasion, when Joseph was at Guadalaxara, and intended to go from thence to Siguenza, the Empecinado, four days only after the French general Hugo boasted, in the customary style of French falsehood, of having totally defeated and dispersed his band of brigands, took post at Cogolludo, *Sept.* 21. and the intruder fled to put himself under the protection of the garrison of Madrid, so closely pursued, that more than 40 of his rearguard were cut off at Torrejon and El Molar. It was repeatedly asserted in the French papers, that the Empecinado was routed and his band destroyed,—every new account of his destruction exposing the fallacy of the last. Sometimes it was said that he was killed. There is reason to suspect that they once attempted to rid themselves of this dreaded enemy by poison, from the violent manner in which he was affected by a liquor which was given him as he passed through Jadraque.

The name of Mina, which is not less celebrated than that of the Empecinado, belongs to two heroic Spaniards. The first was a student of Navarre, who, after a brilliant but short career, when only 20 years of age, was wounded, taken prisoner, and carried into France. His uncle, D. Francisco Espoz y Mina, succeeded to the command of the province: he acquired it by his courage and conduct; it has been confirmed to him by his own government, and the French call him the King of Navarre, where, in spite of their possession of all the fortresses, they are less obeyed than he is. Espoz y Mina was at this time between 20 and 30 years old, and his frame, both of body and mind, had received that stamp which the circumstances of his country required. When he lies down at night, it is always with his pistols in his girdle; and on the few nights that he ever passes under a roof, the door is well secured. Two hours sleep is sufficient for him. When his shirt is dirty, he goes into the nearest house and changes it with the owner for a clean one; and he and his men wear sandals, that they may the more easily climb the mountains in their hair-breadth escapes. He makes his own powder in a cave among the mountains, and has his hospital in a mountain village, which the French have repeatedly attempted to surprise, but always unsuccessfully; for the hearts of the whole country are with Mina, he receives intelligence of every movement of the enemy, and on the first tidings of danger the villagers carry the sick and wounded upon litters, on their shoulders, into the fastnesses, where they remain in perfect security till the baffled enemy retires. The alcaldes of every village, when they are ordered by the French to make any requisition, must instantly inform Mina; if they fail in this duty, he goes himself in the night, seizes them in their beds, and shoots them. He encourages the people of Navarre to trade with the French, and by this means he obtains many things for his men which it would otherwise be difficult to acquire, and gets, for allowing the trade, whatever he wants. From the rich traders he exacts money for their passports; this goes toward the pay of his soldiers, and his spies,—men whom he rewards with the utmost liberality. When an enemy's spy is detected, his right ear is cut off with a sword by one of Mina's guard, whom practice has made expert at the operation, and the culprit is then branded on the

forehead with the words *Viva Mina*. The mark is ineffaceable, and becomes therefore, in the present state of public feeling, the severest of all punishments. The wretches who have been thus branded are so ashamed of exposing themselves to the eyes of their countrymen, that some have been found in the mountains starved to death. Mina will not keep any man in his party who is addicted to women: he is said to hate women; but it should more truly be said that he fears them for others, than that he hates them himself. The French generals, carrying the pestilential vices of Paris wherever they go, are accompanied by their mistresses in their campaigns; but the elevation of Mina's character secures him from vice, and the indulgence of natural affection would in him be a weakness or a crime.

Mina allows no gaming among his men, and no plundering. When the battle is over, every man may keep what he can take; but woe to him who begins to lay hand on the spoil before the victory is complete. Their arms are rusty on the outside, but he is particularly careful that they be kept clean within, and the locks and flints in the best order. Every bayonet bears upon it the marks of a Frenchman's blood. His army might be increased to 10 or 12,000 men, if he chose to receive them; but he says he can manage 4 or 5000 better than a larger number. A boy of 14 is one of his advanced guard, and one of the bravest of his party. It is the nature of a war like this to bring boys, and old men, and women into the field. One guerilla party, in the country about Madrid, was headed by a man called *El Abuelo*, the Grandfather. Cuevillas, a chieftain about 40 years of age, who commanded another in Rioja, is accompanied by his son and his son's wife, who in one action killed three Frenchmen with her own hands. Priests, and monks, and friars bear a distinguished part in the patriotic war. The general of the Franciscans applied to Mendizabal to deliver up one of that body who had enlisted in his army; but the application was not in accord with the spirit of the times, and Mendizabal's answer was read with universal approbation by the Spaniards. "The head of the Franciscans," said the Spanish commander, "has certainly forgotten what Cardinal Ximenes de Cisneros did when he commanded the army which took Oran. If that eminent prelate in those days thought of nothing but destroying the Koran, and substituting the Holy Gospel in its stead, what would he do now, when the religion of our fathers and our mother country is in danger? I have taken a lesson from his eminency. Let the present head of the order send me a list of all the brethren capable of bearing arms, not forgetting himself, if he is fit for service, and then we will march together and free our religion and our country. It certainly interests no one more than your reverence to effect this deliverance, that you may remain head of your order. Inspire then all your friars, that they may be agents in this noble work, putting away all kind of sloth; and let no other cry be heard than that of war against the tyrant, freedom for our religion, our country, and our beloved Ferdinand!" The friar whom the Franciscan general had claimed was probably some runaway brother, disgusted with the follies of his profession, or perhaps weary of its restrictions; for numbers of this order, frocked or unfrocked, were at this time serving in the guerilla par-

ties, or in the regular armies. In all those provinces which were occupied by the enemy, the convents had been suppressed, and the expelled religioners were forbidden to wear the habit on pain of death;—the young took arms, the old employed themselves in keeping up the spirit of the people, while they excited their pity as well as their indignation. The intruder never acted more impoliticly than when he seized the church property, and thus sent out those whom it had formerly supported to preach a crusade against him, or to serve in it.

After the battle of Ocana, the French made a great effort to destroy the guerillas, and they boasted of complete success: but the guerillas were not like regular armies; whenever they were in danger of being attacked by a superior force they dispersed, and every man shifted for himself. There was nothing in their dress to distinguish them from the peasantry; they knew the country perfectly, and when they assembled at the appointed rallying place, they met together without any loss of reputation, and so far from feeling dispirited by the dispersion, that the ease with which they eluded the enemy became a new source of confidence. These parties began to be formed immediately after Buonaparte swept the country before him to Madrid, and from that time they have continued to increase in numbers and activity, carrying on a most disheartening and destructive war, by day and by night, in every part of Spain where the enemy have spread themselves. They lie in wait for their detachments, cut off their foraging parties, destroy their stragglers, surprise their smaller garrisons, intercept their convoys, and interrupt all their communications. Along the highway, from Irun to Vitoria, the French have cut down all the woods to the distance of a musket-shot from each side of the road; by a decree of Kellerman's, a watchman is stationed in the church tower of every village, to ring the alarm bell whenever he discovers a guerilla party; their couriers are always protected by a strong escort of cavalry; and still so perilous is the service, that it is said sixteen couriers were at one time imprisoned at Bayonne for refusing to enter Spain. It is asserted, that not one in six ever reaches his destination.

We have been told that the guerillas plunder indiscriminately friend and foe. Parties of banditti will naturally be formed under cover of the system, and bands, like the White Companies of our French wars, may perhaps survive it; but Germany, where such companies are already formed, is likely to suffer longer from this evil than Spain: for when Spain shall have expelled or exterminated the invaders, there will be a government ready, possessing all the strength of its new birth, and enjoying at the same time the reverence due to long-established institutions. The more turbulent and daring spirits, who may have been too long accustomed to a life of outlawry and adventure, will find scope enough for ambition and enterprize in those countries whose part in this dreadful revolutionary drama is yet to come; for as Spain has been the first of the kingdoms of the continent where the people have done their duty, Spain may be expected to be the first which will enjoy repose. The guerillas, therefore, are not likely to leave any lasting evil behind them, even if they were at present, as has been insinuated, as great an evil to their own countrymen as to the French.

It is true that the French, by repeated edicts, have declared they will make the Spaniards who are in subjection responsible for every injury which they receive from the guerillas, and so far as these decrees are enforced, so far the guerillas may be said to occasion the additional exactions which the people suffer; but to whom is this to be imputed, and upon whom will the indignation of the injured fall, but on the primary authors of all the miseries of Spain? There are very few parts of the peninsula in which the enemy can possibly enforce their own abominable laws. The experiment of nailing the patriots alive to the oak trees of Guadarrama has not been repeated since the Empecinado took down the bodies of his murdered comrades, and fastened up the same number of their murderers to fill the same forest with their groans. Notwithstanding this dreadful retaliation, and notwithstanding the maddening wrongs which the Empecinado has suffered, both he and Mina are distinguished for their humanity: the latter has even personally escorted his prisoners to the sea-coast, to deliver them safely into British custody. On some occasions exchanges have taken place between the guerillas and the French, though none has been effected between the two governments.

To follow the atchievements of these indefatigable leaders would require an historian like Froissart, or his more noble and more delightful contemporary, Fernam Lopez. Should they survive to give us their own memoirs, the life of Scanderbeg himself would not present a series of more daring enterprizes, incessant danger, and hairbreadth escapes. Whatever may be their fate, whether they fall in the field, rot in the dungeons of the tyrant, perish, like Hofer, by his executioners, or, like Captain Wright and Mariano Alvarez, by his midnight murderers,—or whether they survive to enjoy in peace the blessings and the rewards of their grateful country, their names will ever be distinguished in her annals, and they will take their place in the popular songs of Spain with Bernardo, and the Infantes of Lara, and the Campeador.

CHAP. XVIII.

The Cortes. Mode of Election. The Regency depart from the Plan which the Junta had established. First Proceedings of the Cortes. Duke of Orleans. New Regency appointed. Self-denying Ordinance. Debates upon the Liberty of the Press.

WHILE the peninsula in every part, from the Pyrenees to the Pillars of Hercules, was filled with mourning, and with all the horrors of a war carried on on the one side with unexampled cruelty, and on the other with proportionate hatred, the Madrid Gazette spoke with the most ridiculous affectation of public diversions, and public projects, as if the people of Madrid, like the Parisians, were to be amused with plans of great works upon paper, and entered into the affairs of the theatre and opera with perfect forgetfulness of the miseries of their country. The gazette had now its regular portion devoted to theatrical criticism, but the numbers of the audience and the accounts of the theatre were no longer published: needy as the intrusive government was, it kept these places of amusement open, in the spirit of Parisian policy, taking its erroneous estimate of human nature from man in his most corrupted state. Schemes of education were hinted at, and for the encouragement of literature,—the unction which such miserable men as Cabarrus and Urquijo laid to their souls; endeavouring by these fallacious promises to cheat themselves, as well as their countrymen, into a persuasion, that their treason might be palliated by the motives which had induced them to become the partizans of France, when France professed herself the friend of liberty. Canals were projected, when the couriers of the intruder were not safe even at the gates of Madrid; and the improvement of agriculture was announced, while, at the same time, circular letters were sent from Joseph's mock ministers to the generals and military governors, urging them to prevent the destruction of the vines and olives by the troops: it was confessed, that for want of fuel the soldiers had resorted to these means, but it was promised that this ruinous course would not be continued, if the peasants would be careful always to provide them at the places appointed with wood of their own cutting.

Spain also, like Italy, was to be despoiled of its works of art. Joseph gave orders that a selection of the best pictures should be sent to Buonaparte, to be placed in one of the halls of the Napoleon Museum, as a pledge of the union of the two nations. This robbery did not excite

the indignation of the people so much as a decree, directing that the bones of Cortes and Cervantes, and other eminent Spaniards who were buried either in or near Madrid, should be translated with great pomp to the church of St Isidro. The Spaniards observed that it was part of the system of the intrusive government to mock the people with pompous projects, which were never to be realised. They remarked also, that though it was known in what churches some of these illustrious men had been interred, their graves could not be ascertained; and they asked whence the money was to come for this promised translation, when the intruder could pay none of his servants, and wanted funds for things of the utmost necessity. "These difficulties, however," they said, "were of little importance, inasmuch as the decree, like many others, was intended to figure in the gazette, and for nothing else. Nevertheless," they continued, viewing the subject with natural and honourable feeling, "it excites our indignation that they, who are endeavouring to degrade us, should affect this veneration for our ancestors; that they should talk of honouring the illustrious Spaniards, who omit no means for debasing Spain, and subjecting her to the infamy of a foreign yoke."

But the most remarkable of the intruder's acts, was the promise of convoking the cortes. "It was long," his partizans said, "since the junta had promised to do this, and amused the nation with vain hopes; but Spain was to be indebted for this benefit to her new sovereign, and the prospect had already excited the most lively sensation throughout the whole country." It must have been the intention of the intrusive government at this time, by calling a cortes of its own, conformably to the mock constitution of Bayonne, to take off the attention of the Spaniards in those parts of the country which the French occupied, from the true cortes; and that this intention, after having been thus announced, should never have been carried into effect, is a striking proof how well the traitors, who were ostensibly at the head of Joseph Buonaparte's councils, knew the insecurity of the puppet whom they served. Almost the last paper which issued from the royal press at Seville, was an edict, declaring in what manner the members of the cortes should be chosen. Upon this subject the central junta had solicited the advice of all the Spanish universities, and public bodies, and many memoirs, replete with erudition and patriotism, had been received in consequence. Great difficulties had been apprehended from the obscurity in which the forms of the old cortes were involved, as well as from the different forms observed in the different kingdoms, which had each their own. It was wisely remarked by the university of Seville,* that these things were matters of historical research, not of practical importance,—there was now neither time nor necessity for the inquiry; the present business of the government was to convene the re-

April 18.

* Don J. M. Blanco was chosen by this university to deliver their opinion. His memoir, *(Dictamen sobre el Modo de reunir las Cortes de Espana,)* which is printed in the second number of the *Espanol*, is marked by that good sense and sound philosophy which characterize all his writings. Another very valuable memoir was also printed in London. *Carta sobre la Antigua Costumbre de Convocar Las Cortes de Castilla para resolver los negocios graves del reino.* This was written, at the desire of Jovellanos, by a distinguished Spaniard, deeply versed in every thing rela-

presentatives of the people, according to the general principles of representation, and leave them, after they had saved the country, to determine the peculiar forms of the general Spanish cortes.

The plan which the junta adopted was sufficiently conformable to this opinion, and formed at once with reference to established forms, to the present circumstances of the country, and to the future convenience of election. All those cities which had sent deputies to the last cortes, were each to send one to this, and the superior juntas also were each to send one. The provinces were to send one for every 50,000 heads, according to the census of 1797; wherever the excess above this number amounted to 25,000, an additional deputy was to be chosen; any excess not amounting to 25,000 was not accounted. The mode of election was so regulated, as to render any undue influence or interference almost impossible. A parochial junta was to be formed in every parish, and to consist of every housekeeper above the age of five-and-twenty, excepting such as had been found guilty upon any criminal charge; those who had suffered any corporal punishment, or infamous sentence; bankrupts, public debtors, the insane, and the deaf and dumb. Naturalized strangers also were excluded, whatever might have been the privilege of their naturalization. The secular clergy were included. As soon as the *Justicia* of each parish received instructions from the corregidor, or alcalde mayor of the district *(Partido,)* a full parochial meeting was to be held, and the Sunday following appointed for the meeting of the parochial junta, and the business of the parochial or primary election.

The Spanish government did well in connecting this with religious ceremonies. The business of the day was to commence with the Mass of the Holy Ghost, after which the parish priest was to deliver a discourse upon the state of the country, the duty of every Spaniard to defend it, and the importance of chusing proper representatives, upon whom so much necessarily depended. Then adjourning to the place appointed, the magistrate who presided should first make inquiry whether any means had been used to influence the electors; and any person for whom such means had been employed, was rendered incapable of being elected, and his agents or injudicious friends deprived of their vote; any person calumniating another, in hopes of impeding his election, was punished with the same disabilities. The parishioners then, one by one, were to advance to the table at which the parochial officers and the priests presided, and there name a person to be the elector for that parish: the twelve persons who obtained a majority of names should go apart and fix upon one. It was not required that they should be unanimous, only that the person appointed should have more than six votes: it was compulsory upon him to perform the duty to which he was thus elected. The primary election being thus completed, the parochial junta was to return to the church in procession, their deputy walking between the alcalde and the priest; Te Deum was to be performed, and the day concluded with public rejoicings.

Next, on a day appointed by the

ting to the history of Spain, for the purpose of showing those persons who opposed the convocation of the cortes, that this assembly ought to be convened, as a measure conformable to the ancient and constant custom of Castille.

corregidor of the district, which was to be within eight days after the primary election, the parochial electors should assemble in the principal town of the district, and form a junta, over which the corregidor and the bishop, or if there were not a bishop's see, the ecclesiastic of highest rank in the place presided. The testimonials of the electors were to be scrutinized; the same religious ceremonies to take place, and twelve persons to be chosen in the same manner, to appoint one or more electors for the district, according to its extent. They might chuse them out of their own number: but any persons born in the district, and resident in it, were eligible, though they were not among the parochial electors. The business was to be transacted in the consistory, and a record of its proceedings deposited among the archives; a copy of this was sent to every parish, and to the capital of the kingdom or province, where the final election took place.

Here the electors of the district were to assemble. A junta should have been previously constituted here, consisting of the president of the superior junta of the province; the archbishop or bishop, regent, intendant, and corregidor of the city, and a secretary. It was presumed that these persons would all be members of the provincial junta; if, however, this was not the case, they were called to this duty by virtue of their rank, and an equal number of members of the junta added; this proviso being intended to secure to the provincial junta that influence to which their services entitled them, for which their experience qualified them, and which it might not have been easy to deprive them of, even if it had been thought desirable. The board thus appointed, were to see that the primary and secondary elections were made throughout the province. After the same religious observances, and the same scrutinies as on the former occasions, the final election was to be made. The person proposed must be a native of the province, but it was not necessary that his property should be there: nobles, plebeians, and secular priests, were equally eligible; no other qualification was required, than that the person should be above five-and-twenty, of good repute, and not actually the salaried servant of any individual or body.

In this final election, the first step was to elect three persons successively. A simple majority was not sufficient in this stage of the business; it was required that more than half the electors should vote for the same person, and the voting was to be repeated till this should be the case: three having thus been chosen, the ultimate decision was left to chance; their names were to be placed in an urn, and he whose lot was drawn, was the deputy to the cortes. A fourth was then to be elected, whose name, in like manner, was submitted to the lot with the two which had been left undrawn, and this was repeated till the whole number of deputies for the province was chosen. Supplementary deputies were then to be chosen, who were to take their seats in case of any vacancy by death; the supplementaries were, as nearly as could be, in the proportion of one to three; but this proportion could only partially be observed, for the province which only sent one deputy required a supplementary, and that which returned four required but one also. The whole number of provincial deputies amounted to 208; that of the supplementaries to 68.

The provincial juntas were to choose

their members according to the rules of the final elections; observing also the same general principle, that the person chosen must be a native of the province. The form appointed for the city elections was, that when the *regidores* were proprietaries, or held their office during life by the king's appointment, the people should elect an equal number of electors, in the manner of the municipal elections. These electors, with the regidores, the syndic, and the officers who are called the *Personero y Diputado del Comun*, were to meet in the consistory, where the corregidor should preside, and there choose three persons out of their own body; the final decision being by the lot, as in the provincial elections. All these elections were to be made with open doors.

Twenty-six members were added for the Spanish possessions in America, the Columbian Islands, and the Philippines. But that the colonists might not be deprived of their share in the representation, during the long interval which must elapse before their representatives could reach Europe, supplementaries for their respective provinces were to be chosen from natives resident in Spain; a circular notice was issued, requiring that all the American or Asiatic Spaniards then in the country would send in their names, ages, employments, places of birth and of abode. This being done, and lists made out accordingly, a junta was to be formed, consisting of the members of the central junta, who should at the time be acting as deputies for the colonies, or four ministers of the council of the Indies appointed by the junta, and of four distinguished natives of the colonies, to be chosen by the other members: this junta was to direct and superintend the election. Twelve electors for each province were to be chosen by lot from among the natives of that province then resident in Cadiz; but if it so happened that they did not amount to eighteen, that number was to be filled up by individuals of the other provinces. The twelve then chosen were to chuse their deputies, in the manner of the final provincial election, first by nomination, and then by lot.

The archbishops, bishops, and grandees, were to meet in an upper house: it was required that the grandees should be the heads of their respective families, and above the age of 25; and those nobles and prelates who had submitted to the French government were excluded.

Such was the plan which the commission, to whom the central junta intrusted this important business, ultimately decided upon, and which the junta adopted. The commission was composed of five members, the Archbishop of Laodicea, Jovellanos, Castanedo, Caro and Riquelme; but the two latter members being appointed to the executive committee, their places were supplied by the Count de Ayamans, and D. Martin de Garay. D. Manuel Abella, and D. Pedro Polo de Alcocer, were secretaries to the commission: the former distinguished academician brought with him to his task a profound knowledge of the history and institutions of his country; and in the honourable testimony which has been borne by Jovellanos to the service which he rendered, by his erudition and constant application, it is said, that without his extraordinary and indefatigable activity, the business could not have been concluded in time for the circular notices to be dispatched on the first day of the new year; had there been any delay, the central junta might have been pre-

vented from fulfilling its repeated promises, and deprived of the honour which this part of their labours so well deserved. The details were formed, and the official instructions drawn up by Garay, the late war minister. In their general principles the commissioners had been chiefly guided, as was expected and desired, by Jovellanos, the best and wisest of the Spaniards.

There was, however, a difference of opinion in the commission upon three points of considerable importance. Riquelme and Caro would have had only one house of assembly; Jovellanos referred to the English constitution, as the most perfect model of policy, and one to which, in this point, the Spaniards, with sufficient conformity to their ancient customs, could assimilate their own. He proposed also, that certain qualifications of property, situation, and acquirements, should be required of the deputies. Riquelme opposed this restriction, and Jovellanos yielded to the majority of his colleagues on this point with the less repugnance, knowing how well the great body of the people in these trying times had deserved of their country. Riquelme insisted that the cortes should not assemble without deputies from the colonies; the other members, though equally desirous that the representation should include them, would yet have omitted them in the first assembly, in consequence of the long and indefinite length of time which must elapse before they could be chosen in their respective provinces, and arrive in Spain. The plan which was adopted obviated this difficulty. The inadequate number of colonial deputies is less objectionable than it may at first appear, when the probable number of persons from whom the supplementaries were to be chosen is considered; especially as it was not pretended that the manner in which the first cortes was convoked should be binding as a precedent. "The government," said Jovellanos, "fearful of arrogating to itself a right which belongs to the nation alone, leaves it to the wisdom and prudence of the nation to determine in what form its will may most completely be represented in future."

The last act of the junta had been to consign to the regency the charge of seeing the cortes assembled, according to the rules which they had established. In this final decree, provision was made for chusing deputies to represent those provinces which were occupied by the enemy; they were to be chosen in the same manner as the colonial deputies. Here also the important point of the *veto* was determined. If the regency refused its assent to a measure which had passed both houses, the measure was to be re-considered; and unless it was re-passed by a majority of two-thirds in each house, it was lost, and could not be brought forward again in that cortes; but if both houses, by such a majority, ratified their former determination, three days were then allowed to the regency, and if within that time the royal sanction was not given, the law was to be promulgated without it. The junta endeavoured to confine the cortes within their proper limits, declaring that the executive power appertained wholly to the regency, and the legislative to the representative body; and lest any party should arise, who should aim at making the cortes permanent, or unnecessarily extending their duration, "by which means," the junta said, "the constitution of the kingdom

Jan. 29.

might be overthrown," the regency was empowered to fix any time for the dissolution of the assembly, provided it were not before the expiration of six months.

This decree, which developed the principles of the central junta, and completed their labours, the regency did not think proper to make public; one of the many acts of injustice which the junta suffered after their compulsory resignation. The council of Castille, or rather the *Consejo-reunido*, in which such of its members were incorporated as had followed the legitimate government into Andalusia, hinted, in a memorial full of the most abominable calumnies against the ex-junta, that the cortes ought not to be * convoked; their opinion was doubtless of great weight with the regency, and as they did not conceive themselves bound to follow the course which the preceding government had marked out, they suppressed this edict, and issued in its stead an address, breathing the same spirit as all the proclamations of the Spanish government, but putting off the meeting of the cortes. "The council of regency," they said, "could well have wished that your representatives had been in cortes assembled, and that the nation itself might thus have regulated its own destinies. The means which are necessary for our deliverance would quickly appear at its energetic and powerful voice. But this means of preservation has been, for our misfortune, too long delayed, and evils gathering upon each other, with the rapidity of a whirlwind, do not permit that it should be accomplished at the time and place appointed. The Isle of Leon, where the national congress ought to assemble, is at this time besieged by the enemy; from this isle we see their fires, we hear their artillery, we hear their insolent threats, and witness their ravages. The spectacle is neither altogether new to us, nor does it dismay us; we are accustomed to see them, and to see them fly. Their rash endeavours, beyond a doubt, will fail against these intrenchments, where the watch tower is erected which presents to all good patriots a beacon in the midst of the tempest. But the Isle of Leon, thus threatened by the enemy, must not, and cannot be at present a proper place for the celebration of our cortes; and irresistible necessity compels us to delay it till the present crisis shall be past, and place and time suitable for so august an assembly can be assigned. Meantime, none of the measures and forms established and decreed for the convocation are to be suspended for a moment. The elections are to proceed, and the members who are chosen must hold themselves ready to perform their functions; the intention of the government being, that the cortes shall meet as soon as the circumstances of the war permit."

Feb. 11.

Notwithstanding this language, it is not impossible that Spain is indebted for its cortes more to the annunciation from Seville that the intruder was about to convoke one, than to the inclination of its own rulers. The central junta had delayed it too long,

* "*Estos son los obgetos* unicos *en que debe emplearse vuestra soberana atencion;* abandonemos todo lo que pueda distraernos, y guardemoslo para quanda la paz, y la tranquilidad se consigan por vuestras victorias." This was the language of the council. "*Yo no diré,*" says Jovellanos, "*que para combatir el pensamiento de las Cortes, y la forma en que se habian convocado, y para prolongar su celebracion; porque de esto quiero que juzguen mis lectores.*"

not, as has now been proved, from any intentional procrastination, but from their sense of the difficulty of the task, and from the deliberation which so peculiarly characterizes the Spaniards. They had overcome the difficulties, and framed a plan of representation, which preserved a due respect to the old venerable forms, and was well adapted to the existing circumstances of the country; this having been done, as soon as it was ascertained that Cadiz might defy the enemy there ought to have been no delay. That was ascertained in February, as soon as the Isle of Leon was secured from a coup-de-main. But it was not till the middle of June that a decree was issued, ordering the election to be completed as soon as possible, and requiring the deputies who had already been chosen to assemble in the island during the month of August, that the sessions might begin as soon as the greater part of them were met. The plan which the central junta framed was altered in one most material point; one house only was convoked. Had Jovellanos and his colleagues determined thus, they would still have summoned the privileged orders; but the regency, departing inconsiderately, as it appears, from a resolution which had been the effect of long and profound deliberation, neither summoned them to meet apart from the third estate, nor with it, nor devised any plan for representing them; so that two of the three estates were thus excluded from the national representation.

Three days of rogation were appointed previous to the opening of the cortes, and on the 24th of September they commenced their proceedings. At nine in the morning the deputies assembled in a hall which had been fitted up for their sittings in the palace of the regency: the military were drawn up under arms, and they went with the regents in procession to the parochial church of the Isle of Leon, where the Mass of the Holy Ghost was performed by Cardinal Bourbon, the Archbishop of Toledo. After the gospel, the Bishop of Orense, who was president of the regency, addressed them in a solemn discourse; after which the following oath was proposed: "Do you swear to preserve the Holy Catholic Apostolic Romish religion in these realms, without admitting any other? Do you swear to preserve the Spanish nation in its integrity, and to omit no means for delivering it from its unjust oppressors? Do you swear to preserve to our beloved sovereign, Ferdinand VII., all his dominions, and in his failure, to his legitimate successors; and to make every possible exertion for releasing him from captivity, and placing him upon the throne? Do you swear to discharge faithfully and lawfully the trust which the nation reposes in you, observing the laws of Spain, but changing, modifying, and varying such as require to be altered for the general good?" When all the deputies had made answer, "Yes, we swear," they advanced two by two to touch the gospels; after which the bishop said, "If ye shall do this, so may God give you your reward; but if not, so may he enter into judgement with you." The hymn *Veni Sancte Spiritus*, and the *Te Deum* were then sung.

These ceremonies being concluded, they returned in the same order to the hall of assembly; the regents advanced to the throne, and occupied five seats under the canopy; the two secretaries of state, who accompanied them, took their seats at a table towards the head of the hall; and the

deputies seated themselves indiscriminately as they entered, the old contest for precedency between Burgos and Toledo being no longer remembered. The bishop addressed them, briefly reminding them of the perilous state of the country, and the arduous duties which they were called upon to discharge; then desiring them to proceed to elect their president and secretaries from their own body, he and the other four members of the regency quitted the hall, leaving a written paper upon the table.

A difficulty in point of form at the commencement of these proceedings was ended by appointing, as it were at random, two deputies to hold the offices of president and secretary, while the cortes elected others. As soon as the election was made, the secretary read the paper which the regents had left. "The five individuals," it said, "who compose the supreme council of regency of Spain and the Indies, received that difficult charge, above their merits and their strength, at a time when any excuse or delay in accepting it would have been injurious to the country; but they only accepted it and swore to discharge its duties according to their capacity, till the solemn congress of the cortes being assembled, should establish a government founded upon the general will of the nation. That happy moment so longed for by all good Spaniards has arrived, and the individuals of the council of regency can do no less than state this to their fellow-citizens, that they may take it into consideration, and appoint the government which they deem most adapted to the critical circumstances of the monarchy, for which this fundamental measure was immediately necessary."

Upon the motion of D. Diego Munoz Torrero, deputy for Extremadura, the plan of a decree was then read, which had been prepared by his colleague D. Manuel Luxan, and which, after some discussion, was adopted to this effect. The members of the congress now assembled, and representing the nation, declared themselves legally constituted in a general and extraordinary cortes, wherein the national sovereignty resided. The general and extraordinary cortes of the Spanish nation thus assembled, conformably to the general will, which had been declared in the most open and energetic manner, acknowledged, proclaimed, and swore anew, that Ferdinand VIIth, of Bourbon, was their only lawful king; and declared null and void the cession of the crown which he was said to have made in favour of Napoleon Buonaparte, not only because of the violence which accompanied that unjust and illegal transaction, but principally because the consent of the nation was wanting. As it was not proper that the legislative, executive, and judicial powers should remain united, they reserved to themselves the exercise of the legislative power in its full extent. They declared, that the persons to whom they should delegate the executive power, in the absence of their King Ferdinand VIIth, were responsible to the nation during the time of their administration, according to the laws. They authorized the members of the council of regency to continue to exercise the executive power under the same title, till the cortes should appoint a government which they might deem more convenient. To qualify itself for this continuance of its authority, the regency should acknowledge the national sovereignty of the cortes, and swear obedience to the laws and decrees which it should

promulgate; for which purpose, as soon as the decree was made known to them, the members of the regency should pass immediately into the hall of assembly, where the cortes would remain till this was done, having declared their sitting permanent for this purpose. The form of the oath was thus prescribed in the decree: "Do you acknowledge the sovereignty of the nation, represented by its deputies in this general and extraordinary cortes? Do you swear to obey its decrees, and the constitution which it may establish, according to the holy object for which they have assembled; to order that they shall be observed, and to see that they be executed? To preserve the independence, liberty, and integrity of the nation? The Catholic Apostolic Roman religion? The monarchial government of the kingdom? To re-establish upon the throne our beloved King D. Ferdinand VIIth, of Bourbon? And in all things to regard the public weal? As you shall observe all these things, God be your helper; and if you observe them not, you shall be responsible to the nation, in conformity with the laws." The cortes confirmed for the present all the established tribunals, and all civil and military authorities whatsoever; and they declared, that the persons of the deputies were inviolable, and that no authority or individual should proceed against them in any manner, except according to the manner which would be appointed in future regulations, to be formed by a committee appointed for that purpose.

It was between ten and eleven at night when this decree was passed. One of the members observed, that it was very possible the regents might be gone to bed, if they were not immediately apprized that their presence would be required by the cortes that night; a deputation was therefore sent to them, while the ceremonial with which they were to be received was discussed and determined. About midnight, four of the regents entered the hall, and took the oath. The bishop of Orense did not come; the unseasonableness of the hour, and the infirm state of his health, were assigned as reasons for his absence; those reasons would have been sufficient, but it was soon known that a stronger motive had withheld him. The sovereignty of the nation was a doctrine which the venerable prelate was not prepared to acknowledge, and from that hour he ceased to act as one of the regency.

On the following day, the cortes decreed, as a consequence of their former decree, that the style in which the cortes was to be addressed, should be that of majesty; highness was to be that of the executive power, during the absence of Ferdinand, and likewise of the supreme tribunals. They ordered also, that the commanders-in-chief, the captains-general of the provinces, the archbishops and bishops, tribunals, provincial juntas, and all other authorities, civil, military, and ecclesiastic, should take the oath of obedience to the cortes, in the same form as the regency. By another edict, they decreed that their installation should be officially made known through all the Spanish dominions, and every where celebrated with Te Deums and discharges of artillery; and that prayers should be offered up during three days, imploring the divine blessing upon their councils. The oath was taken with circumstances of peculiar interest by part of the Catalan army. D. Jose Obispo, who commanded upon the Llobregat, determined, in order to give

Sept. 25.

more celebrity to the act, that his army should swear obedience to the cortes before the walls of Barcelona. For this purpose, he sent a detachment to take possession of the heights of S. Pedro Martin, and surprize the French post at La Cruz-

Oct. 25. Cubierta, that the act, according to his own expression, might be solemnized with the sacrifice of some victims, out of the many whom the Emperor of the French sent into Spain to that end. The Spanish colonel, Manso, who was sent upon this service, performed it effectually, only two of the enemy escaping; and of a party who attacked him from Monjui, he brought away 38 prisoners. After this success, Obispo drew up his men in order before the walls, Manso doing the same upon the heights: the oath was read to the soldiers by the captain of every company, and their acclamations and salutes were heard in Barcelona, making their brethren there, who groaned beneath the yoke, in some degree partakers of the joy of the day.

The decree, by which

Sept. 26. the regents were declared responsible to the nation, produced a memorial from them, requesting to know what were the obligations annexed to that responsibility, and what the specific powers which were given them; "unless these things," they said, "were clearly and distinctly determined, the council of regency would not know how to act, inasmuch as the ancient laws had drawn no line of distinction between the two powers; and thus they must be continually in danger, on the one hand, of exerting an authority, which, in the opinion of the cortes, might not be included in the attributes of the executive, or, on the other, of omitting to exert the powers which it necessarily involves, and which at this time were more necessary than ever." The reply of the cortes proved with how little forethought they had passed their decree. "They had not limited," they said, "the proper faculties of the executive, and the regency was to use all the power necessary for the defence, security, and administration of the state, till the cortes should mark out the precise bounds of its authority. The responsibility," they added, "to which the regents were subjected, was only meant to exclude that absolute inviolability which appertained to the sacred person of the king." The whole of a night-session was occupied in forming this answer.

Among the many erroneous opinions which have prevailed in this country respecting the affairs of Spain, the most plausible and the most general was that which expected great immediate benefits from the convocation of the cortes; an error from which, perhaps, no person was entirely free, except the few, who, like Mr Frere, looked to the assembly rather with apprehensions of alarm than with hope. The permanent good which Spain will derive from the restoration and improvement of the representative part of its government, will repay the Spaniards for all the horrors of this most dreadful struggle; but any great immediate advantage, any rapid acceleration of the deliverance of Spain, ought not to have been expected, unless it was supposed that the Spanish deputies would proceed like the French national convention, in which case the revolutionary delirium might have produced a preternatural and overpowering strength. There was as little reason to expect this, as there could be to

desire it. The Spaniards, more than any other Europeans, are attached to the laws and customs of their country. Spain is to them literally a holy land, and its history being composed for many ages of a tissue of connected miracles, to the greater part of the people, sanctifies its institutions. But unless the cortes took the executive power into its own hands, and gave the nation a revolutionary impulse, which the circumstances of the people forbade, it might have been known that the benefits to be expected would produce little or no immediate effect upon the operations of the war: they would be slow, certain, and permanent.

The mode of election secured a fair representation. Some of the members were of the French school of philosophy, and were probably sufficiently disposed to have followed the steps of the Brissotines, both in matters of state and church-policy. One ill effect arose from this; having become converts to republicanism in their youth, and in the season of enthusiasm, they had imbibed a prejudice against England, which did not wholly give way as it ought to have done, even though they hated Buonaparte and the present system of France as bitterly as the great majority of their colleagues. On this point there was but one feeling.

The first measures of the cortes indicated a sense of their power, and a determination to assert it. Want of precedents, and of experience in the business of a deliberative assembly, were great impediments at their outset: they had hardly decreed the separation of the executive, legislative, and judicial branches, before they confounded these branches in their own practice. Nevertheless this decree was of essential advantage to Spain, as a great object was to secure the judicial authority from the interference of government; thus breaking, they said, the chains with which the arbitrary power of some centuries had bound the hands of the most respectable ministers, justice might now be firmly administered for the happiness of the people. A commission was appointed to prepare a report upon the best means of speedily terminating criminal causes. The result was, a decree that an extraordinary visitation of all the prisons should be made by the respective judicial authorities, and the accused brought to trial with as little delay as possible; and that for the future, the tribunals should transmit, through the regency, to the cortes, at intervals of two months, accounts of all the causes pendent, and the persons in confinement. *Oct.* 11.

D. Manuel de Llano, a supplementary member for Guatemala, proposed a more effectual remedy; that a committee should be appointed to occupy itself exclusively in framing a law to the same effect as the Habeas Corpus of the English. This most important motion was one of those which remained for discussion at the close of the year. The decree which established this partial remedy for one of the worst evils of an arbitrary government, called upon the supreme councils of Spain and the Indies to point out the abuses which had been introduced into the civil and criminal law, and the improvements of which those codes were susceptible, that the cortes in due time might take the subject into consideration. *Dec.* 14.

The cortes found it necessary also to interfere with the executive. The

March 4. Duke of Orleans had offered his services to the Spaniards; the former government had not thought proper to accept his offer, but the regency, a few weeks after their installation, invited him to take the command in Catalonia. A century ago their conduct might have been easily explained, when Lord Molesworth gravely asked, what could be done for generals, in such havoc as was then made of them, if there were not so many younger sons of princes in Germany, who all ran wherever there was a war, to get bread and reputation? But pedigrees and patents of nobility were not considered now as military recommendations, and the conduct of the regency, in this instance, seems to have been inconsiderate and hasty. The Duke of Orleans was of a bad breed, which was not likely to be improved by his marriage with a princess of the Neapolitan-Bourbons. The history of his education forms one of the most remarkable works upon that subject: Rousseau had made it the fashion with some of the blood-royal in France to try experiments upon their children; with his own pupil it succeeded well, and the sons of Philippe Egalite were not the worse for the sort of Spartan discipline to which they had been subject. The present duke, at a very early age, made a brilliant commencement of a military career at Jemappe, but that career was soon closed: he emigrated with Dumouriez, retired to America, and remained there till American manners counteracted the love of republicanism which he had learned from Plutarch, when he returned to Europe, reconciled himself to the Bourbon family, and resumed the title, which, as a republican, he had laid aside.

When the duke offered his services, the Spanish patriots were in the full tide of success; and he expected, perhaps not without good reason, that as soon as the French armies were disheartened, they would readily forsake a tyrant, to whom it was not possible that they could feel bound by any tie either of duty or affection. Affairs bore a very different aspect when the regency informed him, that the obstacles which had formerly frustrated his generous desires were now happily removed; reminded him of the triumphs which his illustrious ancestors had won in Catalonia; and called upon him to preserve the verdure of their laurels. "The undertaking," said they, "is arduous, the contest dreadful, and the enemy obstinate; but the hatred of the Spaniards against the usurper is great, their love for their lawful sovereign is ardent, and they are determined to preserve their independence. This people will constantly fight with your highness, and show you that never prince defended a nobler or more righteous cause, with soldiers so resolute in its defence. Oh that your highness may raise your voice from the Pyrenees, at the head of our victorious armies, to promise liberty to oppressed France, to rescue the throne from its abuses, to re-establish order in Europe, and to proclaim the triumph of virtue upon the ruins of tyranny and of guilt!" The duke was a man of too much honour and courage not to fulfil the offer which he had made in more prosperous times. Accordingly he sailed from Sicily in the beginning of June, touched at Tarragona, and having been received there with the honours due to his rank and name, continued his voyage to Cadiz, where he landed under a salute of artillery.

The bishop of Orense had not ar-

rived from his diocese to take his seat in the council of regency when the duke was invited; he therefore was not implicated in this transaction, which was in every respect exceedingly imprudent. There might have been some apparent cause for it, if the duke had been a general of great experience and celebrity, or if he could have assisted Spain either with men, money, or stores; but if the Sicilian court had been sincere in its friendship, means of assistance were wanting: it had sent a present of a thousand muskets early in the year, and this was the extent of its ability. On the other hand, the presence of a prince of the Bourbon line, at the head of a Spanish army, would have certainly drawn against it a stronger French force than would otherwise have been employed, the destruction of one branch of that house being of more importance to Buonaparte than the conquest of Spain. There was also an obvious impolicy in inviting a Frenchman to the command; the former government had felt this, and the cortes felt it also; they held a private sitting upon the subject, the result of which was, that the duke re-embarked for Sicily.

The regents did not hold their power many weeks after the meeting of the cortes. A new regency was appointed, consisting of Blake, who at that time commanded the army of the centre, as that force was called which still kept the field in Murcia; D. Pedro Agar, a naval captain and director-general of the academies of the royal marine guards; and D. Gabriel Ciscar, governor of Carthagena. The reason assigned for this change in the executive government *Oct.* 28. was, that the members of the former council of regency, from the moment that they had been empowered by the cortes to continue in the exercise of their authority, had made known their earnest desire that the weight of the administration, which they had supported for many months, under such critical circumstances, should be consigned to other hands. The regents were now to experience in their turn the same injustice which they had shown toward the central junta. Like them, they had disappointed the hopes of the people; and like them, more from the inevitable course of things than from their own misconduct. They were not, however, treated with equal cruelty. A decree was passed, that they should give in an account of their administration and general conduct to the cortes within two months, with a view to their future process. Shortly afterwards, in consequence of a secret sitting, they were ordered to retire from the Isle of Leon, and the place where each was to reside was appointed, after the arbitrary manner of the old court. *Nov.* 28. *Dec.* 17.

Blake and Ciscar being absent, the Marquis del Palacio and D. Jose Maria Puig were appointed to act in their place till they should arrive. When they were called upon to take the oath, the same difficulty was found as in the case of the Bishop of Orense. The marquis being asked if he swore to obey the decrees, laws, and constitutions of the cortes, replied, "Yes, but without prejudice to the many oaths of fidelity which he had taken to Ferdinand VII." The president informed him, that he must take the oath simply, or altogether refuse it. The marquis requested that he might be allowed to explain himself; upon this it was agreed that he should be heard after his colleagues had been sworn; and that business having been *Oct.* 28.

completed, he entered into an explanation of his restriction, saying, "he was ready to take the oath in the form prescribed, provided those deputies who were versed in theological points would assure him that he might do it without scruple. All that he meant," he said, "was more and more to insure the purport of the oath itself, conformably to those which he had so often taken to Ferdinand, and he had never doubted the sovereignty of the nation assembled in its cortes."

The cortes manifested upon this occasion something of that precipitation, and something of that proneness to tyranny, by which the proceedings of popular assemblies have so often been disgraced. In this case, as in that of the Bishop of Orense, they might perhaps have thought that the scruples of these distinguished Spaniards disqualified them from the office which they were called upon to accept; but those scruples ought to have been respected, and upon no principle of law or justice could they possibly be considered as a crime. The marquis was ordered into custody, there to await the orders of the cortes. The cortes met again that night, to deliberate upon this unworthy business. One member said, that the marquis had lost the confidence of the public; he could not act in the regency, because he had shown that his conscience was not such as was fit for a regent; and his conduct ought to be investigated by judges appointed by the regents for that purpose. Another member observed, that as it might be suspected he was acting by the advice of others, it would be necessary to proceed with the utmost circumspection in the choice of judges. Capmany maintained, that the cortes itself ought to take cognizance of the offence; and Arguelles, Oliveros, and Torrero, three of the most prominent members of those who would call themselves the liberal, or perhaps the philosophical party, agreed in these exaggerated censures of an act which at the worst amounted only to an error of judgement of the most venial kind. Arguelles declared, that if the cortes retraced a single step, and did not go forward with the decree of the 24th of September, respecting the sovereignty of the nation and their own power, they would give a triumph to the enemy. It was voted, after a long discussion, that the marquis had forfeited the confidence of the nation, and that another regent must be appointed in his place. The Marquis del Castelar was the person chosen. Palacio now represented, through the captain of the guard, that he was confined at this time in a damp room, without having a place to sit down, to the danger of his health; and he requested that he might be permitted to return to his own house, under a guard, if that were thought necessary. One member proposed that this should be allowed, the marquis being on his parole, and debarred from any communication. It was decided, that he should be confined in his own house, under a guard, who was never to lose sight of him. This discussion occupied the cortes till midnight, and then they entered upon a secret sitting, probably upon the same subject. Three days after, it was voted that the marquis, having lost the confidence of the nation, was no longer qualified to act as captain-general of Aragon; and in three days more, discovering how little conformable it was to their professed principles thus to proceed to condemnation before the trial, the cortes repealed their decree, and resolved, that both this case and that of *Oct.* 31.

the Bishop of Orense should be referred to the judges appointed by the regency, who were to hear the advocates of the cortes, of the royal council, and of the marquis, and to consult with the cortes concerning their sentence. Meantime the marquis was to remain a prisoner at large in the Isle of Leon, upon his parole.

If the cortes, in the precipitance and intolerance of these proceedings, reminded those persons who remembered the commencement of the French revolution of the errors of the friends of liberty in France, it reminded them also of a measure springing from a more generous feeling, but which, both in France and England, experience had shown to be an error. A self-denying ordinance was passed at *Sept.* 29. the motion of D. Antonio Capmany, deputy for Catalonia, a man well known for his literary labours: it enacted, that no member of the cortes should be permitted, during the exercise of his functions, nor for a year afterwards, to solicit or accept for himself, or solicit for any other person whomsoever, any pension, favour, reward, honour, or distinction, from the executive power which at that time existed, nor from any other government which might hereafter be appointed, under any designation whatever. D. Francisco Gutierrez de la Huerta, supplementary member for Burgos, had prepared a more rigorous bill to the same effect, which was to punish the deputy who solicited any employment for a kinsman within the fourth degree, by expelling him from the cortes, and depriving him for four years of his elective right, and the capacity of being elected. It was carried by acclamation, that some public testimony of disinterestedness should be given; there were, however, a few members cool enough to temper the enthusiasm of their colleagues, and qualify their vote, so as to render it somewhat less unreasonable. At their suggestion, such persons were exempted from the decree, who, by rank or age, were accustomed to succeed in military, ecclesiastic, and civil bodies, according to the rules or statutes. And it was admitted, that cases were possible in which extraordinary and confessedly superior services, performed in behalf of the king and country, might deserve an extraordinary reward in the opinion of the cortes themselves.

But there were two subjects of especial moment, which occupied much of the time of the cortes. The situation of the colonies was one: things were in a mournful state there; revolutionary movements had taken place in every part of the continent of Spanish America; civil war had begun in many places, and there was every reason to apprehend that it would soon become general. But the history * of these events, with their predisposing causes, must be reserved for the annals of the ensuing year, that it may be given more fully and connectedly, at the extent, and with all the care, which the importance of the subject requires. The other was the li-

* It has not been possible to prepare it for this volume. The Journals of the cortes began to be regularly published with the fourth volume, leaving the three first to be printed as the press could find leisure. The collection has proceeded to the twelfth volume. Meantime, the first and third have been completed, but the second had not reached England when this sheet went to the press, and without it the narrative must have been incomplete.

berty of the press. Upon the motion of Arguelles, a committee of * eleven was appointed to prepare a report upon this momentous point. Their report was printed, and many curious and interesting discussions ensued. The Marquis of Vigo, D. Joaquin Tenreyro Montenegro, deputy for the province of Santiago, protested against taking the subject into consideration.

Oct. 15.

"He was ready," he said, "to sacrifice his life, and even his reputation in the cortes, which he regarded more than life, for his conduct on this occasion, but he would not sacrifice his conscience. At all events, he maintained, they ought to delay the question till the other members, who had not yet arrived, should be present." The supplementary member for Santa Fe de Bogota, D. Jose Mexia, in reply to this demand, asked whether "any decision could be more important than that of the national sovereignty, with which they had commenced their proceedings? yet the presence of the absent members had not been thought necessary on that day, when they laid the fair foundation of national freedom." "Whatever light," said Arguelles, "has spread itself over Europe, has sprung from the liberty of the press, and nations have risen in proportion as that liberty has been more or less complete among them; while others, bedarkened by ignorance, and fettered by despotism or superstition, have sunk in the same proportion. Spain, I grieve to say, is one of these. Let us look at the events of the last twenty years, and we shall see the portentous effect of this arm, to whose power that of the sword has always yielded. By its influence we saw the chains fall from the hands of the French nation; a sanguinary faction obtained the ascendancy, and the French government began to act in direct opposition to the principles which it had proclaimed. After having solemnly and by acclamation declared, that the French republic renounced all conquests, they gave orders for the incorporation of Savoy; the conduct of the republic uniformly contradicted the principles of the national assembly, both in respect to the states which they occupied, and to their allies. If at that time we had enjoyed a well regulated liberty of the press, Spain would not have been ignorant what was the political situation of France, when she celebrated the infamous peace of Basle. Our government, directed by a favourite as stupid as he was corrupt, was incapable of understanding the interests of Spain; it abandoned itself with blind subserviency to all the successive governments of France; and from the convention to the empire, we followed all the vicissitudes of their revolution, always in the closest alliance, till the unhappy moment in which we saw our strong places taken, and the armies of the perfidious invader in the heart of Spain. Till that moment it was not lawful for any one to speak of the French government with less submission than of our own, and not to admire Buonaparte was one of the greatest crimes. In those miserable days the seeds were sown, and we are now reaping the bitter fruits. Look round the world! England is the on-

* The members of this committee were the Srs. Hermida (Deputy for Gallicia,) Oliveros and Torrero (for Extremadura,) Arguelles (for Asturias,) Perez de Castro (for Valladolid,) Palacios (for Caraccas,) Gallego (for Zamora,) Couto (for New Spain,) Monte (for Betanzos,) Vega (for Cervera,) and Capmany (for Catalonia.)

ly nation which we shall find free from these horrors; the energy of her government has done much, but the liberty of the press has done more. By that means, wise and virtuous men were able to diffuse the antidote faster than the French could administer the poison, and the information which the people enjoyed by means of the press, made them see the danger, and taught them how to avoid it."

Brigadier Gonzalez, member for Jaen, affirmed, that whoever opposed the freedom of the press, was a bad Spaniard. This occasioned a warm reply from one who was of a different opinion, and one of those altercations followed, which the cortes was not yet sufficiently well regulated to know how to prevent, or to cut short. One of the clergy terminated it, by saying, that their first duty was to defend the Catholic, Apostolic, Roman religion, and whatever was contrary to that religion was bad. Then citing the canons to prove that no work ought to be published without the licence of a council, or of a bishop, he inferred that the liberty of the press was contrary to religion. The conclusion was perfectly legitimate, but it was met by an answer not less curious than the argument. "No person," said Mexia, "will deny, that Christianity has existed from the beginning of the world; for though our Saviour was not yet come, those moral precepts, which are the basis of his religion, and which were given by Moses, were written in the heart of man. In like manner, the liberty of the press has existed from the time of Adam; for printing is a mode of writing, and the liberty of doing it is the same, whether it be upon the leaf of a tree, or in wax, or upon paper; and this liberty all men have possessed: the art of printing, therefore, where the liberty of the press was restrained, was an injury to man, inasmuch as it deprived him of this primitive liberty."

There was, however, a great number of members who were by no means prepared to change the opinions in which they had been bred up concerning this subject, and they listened with deep attention to those speakers, who maintained that it was both for the interest of the writer and the public, that books should be subject rather to a previous censure, than to an after responsibility. Garcia de Herreros, member for Soria, observed, "that if a book were published against religion, or against good morals, it might indeed be suppressed, and the author punished; but who could undo the evil which it had already done by its pernicious tenets?" Gallego replied, that if there were a political absurdity in the world, it was that of supposing the liberty of the press could exist under a previous censure. "If I chuse to wear a sword," said he, "will any one say my hands ought to be tied, lest I should commit a murder? or that I ought to be confined to my house, because if I go into the street I may rob a man? Free will is given to every man, and as we know what is the punishment of transgression, we endeavour not to transgress." D. Manuel Luxan, speaking on the same side, said, "that the people of Extremadura had charged him, as their representative, to endeavour to obtain two things,—that the sittings of the cortes should be public, and the liberty of the press. A good Spaniard could regulate his political course by no better rule, than to act in direct opposition to the principles of Buonaparte. He had determined in Bayonne, that the proceed-

ings of his mock cortes, both then and in future, should be secret; for this reason the Spaniards ought to avoid secrecy. His object had always been to destroy the liberty of the press, and in preparing fetters for that liberty, he had prepared them for the human race. To those theologians who had opposed the liberty of the press as contrary to religion, he could not reply better, than by reminding them that our Saviour had insisted upon the freedom of discussion, and charged his disciples to converse upon religious matters, that they might clear up doubts, instruct each other, and publish the truth to the world. It was time," he said, "to proclaim that the reign of ignorance was over. We want information, and it is only the press which can diffuse it. Even to the imperfect liberty which is enjoyed at present, in spite of the opposition of the bad, and the fears of the weak, we owe that strength of opinion by which we are collected in this august assembly, wherein Spain reposes her last and best hopes."

Oct. 16. On a subsequent day, Luxan's colleague, Oliveros, replied to those members who had represented the press as dangerous to religion. "True, indeed," he said, "in France they had seen the fatal effects of a liberty which favoured all that was wicked, and aimed at nothing that was good. The revolutionists of that country knew that they could not accomplish their horrible designs without the ruin of morality; therefore, while they let loose a torrent of blasphemy and licentiousness which subverted the edifice of civil society, they closed the press against whatever could tend to the re-establishment of religion and order. France still was groaning under the consequences of such principles, but not a single work of rational religion, politics, morals, or liberty, had issued from it, either under its revolutionary or its imperial state. What we require," he pursued, "is the very opposite of this. We would give wings to all honourable sentiments. Had the liberty of the press been established among us, crimes could not have been committed which have been passed over with the impunity of silence and oblivion. Bishops would not have been seen disgracing their pulpits and their religion, by preaching to applaud the triumphs of despotism and atheism, nor would they have dared to contribute to the destruction of their country and of their faith. On the other hand, England, that free and generous country, which owes its liberty and all its morality to the press,—England, although excluded from the bosom of our church, has been the true friend of our religion. She has been the ally of our chief, the pope, when Buonaparte persecuted him; she has been the faithful friend of Spain, and upon England, upon the colossal power of England, which the liberty of the press has raised, the independence which is yet left in Europe rests for its support." Arguelles argued with great force against the appointment of censors. "There cannot," said he, "be a greater violation of the liberty of man, than to deprive him of enjoying that which in itself is innocent, and subject his actions to the caprice of any individual, or any set of individuals. Are we to be told in these days, that fifteen millions of men must submit the best defence of their liberties,—the fairest spring of their industry,—the dearest hopes of their posterity,—to the rod of corruptible censors? For can we suppose that these censurers will be exempt from error,

and free from sinister views? Are they not men, with passions and prejudices which they will gratify and follow, after the manner of human nature? The history of the world may tell whether it be easy for those who are in the enjoyment of power to subdue themselves; and are we then to trust liberty and literature to those who may suppress what writings they please,—to those who may convert their own pleasure into law?

"Spain," he continued, "never has been free. For many long ages she has been in chains, insulted and degraded by a series of governments who have despised the wishes of the people. We are now experiencing the bitter consequences. The morals of the nation partook of this perverse influence, and the glory of Spain disappeared in the same proportion as its liberty. How different is our state, how different the principles of our past conduct, if we compare them with those of that great, generous, and independent nation; that nation, which (whatever may be its political corruption) may boast of the purest public morality; that nation, where the holy ties of nature and of the conjugal union are revered; that nation, which, though combated by dangers both within and without, has raised itself to the glory in which we now behold it; that nation, which, having for so long a time been our enemy, no sooner saw the daybreak of our liberty than she opened her arms to us, and with incomparable generosity has spared no effort for supporting it. We owe little less than our existence to England. Be free, she has always said, and we will never abandon you. Her exertions have increased with our necessities; the strength of her arm has upheld our weakness. Look now! the character, the power, the greatness of this mighty nation, have arisen from that very liberty for which we are now contending,—that liberty which depends upon your votes; for upon your determination it depends, whether we shall recover our rank among the nations of Europe, or sink for ever."

D. Jayme Creus, member for Catalonia, read a paper, to show that it was better to prevent the evil, than have to remedy its effects; and therefore books ought to be subjected, not to such arbitrary restrictions as had formerly prevailed, but to a fair previous censure. *Oct.* 17. Torrero replied, that the liberty of the press was the only thing which could secure the liberty of the people. "If the limitations," said he, "by which we propose to circumscribe the executive power are necessary, much more are the means by which our constituents may observe our conduct. If Spain could have manifested her feelings, would the infamous intrigues of the Escurial have been suffered, or could Godoy have possessed so long that power which destroyed the kingdom? Think you that the people of England would be silent, if the Prince of Wales were arrested in his own palace by the will of a wicked minister? We were silent; and this proved to demonstration that liberty, without a free press, though it may be the dream of a virtuous man, can be only a dream. I would fain argue this question dispassionately, and with all the calmness of reason. Here we are, fallible men, with all that mixture of good and evil which is natural to us: it is only by a comparison of advantages and disadvantages that we can decide. An inquisitor general of Spain wished to translate the Bible into Spanish: a torrent of invective was poured forth

against him, and the words which he used concerning his undertaking, I shall apply to ours. 'I do not doubt that it has its objections; but is it useful, weighing the evil against the good?' We are in just such a case. If the inquisitor had accomplished his desire, we should have been indebted to him for the good, to our own nature for the evil. The head of our religion is at this time under persecution, Buonaparte has even instituted a civil process against him; and yet, in the degraded state of France, not a pen has been found which dares to undertake the defence of this venerable personage. These are the fruits of an arbitrary power of censure over the press. But there are persons who say, that works may be published against religion. It is probable that in our *tertulias*, or evening parties, the conversation may frequently turn upon religious points; but if there be one who jests at religion, or blasphemes it, immediately twenty zealous defenders appear to combat him; so would it be with the press. I shall conclude by saying, that the cortes will act against the nation if they do not decree the liberty of the press; that we shall commit treason against the people; that we shall be re-establishers of the despotism which we have abolished, and destroy the last hope of Spain."

The preamble and first article of the decree now under discussion were in these terms: "The general and extraordinary cortes, considering that the privilege of the citizens to publish their thoughts and reflections is not only a restraint upon the arbitrariness of those who govern, but also a means of instructing the nation in general, and the only way of obtaining a true knowledge of public opinion, have decreed as follows: All bodies and individual persons, of whatever condition and state, are at liberty to write, print, and publish their sentiments, without the necessity of any license, revision, or approbation, previous to the publication, under the restrictions and responsibilities which shall be expressed in the present decree." Garcia Herreros, who, on a former day, had spoken in defence of the previous censure, taking a middle course, now proposed that both in the preamble and first article the word political should be inserted, which would exclude the liberty of writing upon religious subjects. Llaneros read a discourse, to prove that the previous censure was the best security of the press: "The liberty of the press," he said, "without it, instead of being either necessary or useful, was injurious, and had never even been wished for in Majorca, which he represented. Where there were good censorial tribunals, the liberty of the press would never be wanted. The inquisition was such a tribunal." "True," replied Arguelles, "if men were infallible and impeccable, there would be no need of laws of any kind: but for my part, I have known only one kind of men, all weak and frail beings, and subject to the imperfections of human nature. The deputy for Majorca says, the inquisition is a proper tribunal for deciding upon what books should be permitted to be published. Has he forgotten that the library of the Marquis de Villena, with all his precious manuscripts, was burnt by a friar of the court of Juan II., notwithstanding that king was a man of letters and a poet? The political and religious jealousy of literature and the press did not diminish in the succeeding reigns, and the nation saw itself debased beneath the insolent favourites of Enrique IV.

Oct. 18.

and the third and fourth Philips. Never were there greater precautions taken to check the circulation of political opinions than in the time of Charles IV. The evils of that reign, it was not necessary to repeat; suffice it to say, that if we had enjoyed the liberty of the press, we should not now have been in our present situation: if that liberty had existed, should we have seen the censors and judges of the press fawning about the court of Godoy,—that court, which might be called a market, where liberty and justice were put to sale?"

The Marquis of Vigo read a long and laboured argument against the motion, in which he admitted that the liberty of the press was advantageous in England, but denied that it would be so in Spain. "Why not?" exclaimed Torrero. "The foundations of both governments are the same. England has her parliament; Spain her cortes. England has her limited monarchy; Spain is about to limit hers. England enjoys a proper separation of the legislative, executive, and judicial powers; we have just decreed a like separation. What reason, then, can there be, when the two nations resemble each other so strongly in their character, and in the basis of their respective constitutions, that the acknowledged benefits of a free press should be permitted to one, but that the other should be forbidden even to taste its fruits? Had the Spanish press been free, would there then have been ministers of the altar daring enough to say, that God had inspired Charles IV. to place the government in the hands of Godoy? A free press would speedily have brought about his fall: we had it not, and he has lived to bring about our ruin." A warm discussion followed, whether the members should give their votes upon this question publicly or in secret. It was observed, that in England the gallery was always cleared when the speaker put the question. Arguelles replied, "This was true, and, according to the standing orders of the house, even the debates ought to be secret; but the invariable practice was otherwise, because England was virtuous enough to respect the opinion of the people." Upon this point the popular opinion prevailed so far, that it was determined, not only that the votes should be public, but that every deputy should deliver his vote in writing, for the purpose of furnishing an authentic list. The amendment of Garcia Herreros, for inserting the word political, and thus curtailing the proposed liberty of half its extent, was universally admitted. The question was then carried by 68 voices against 32; and of this minority, nine qualified their opinion by declaring, that they only voted against the measure for the present. They proceeded to vote the abolition of all boards of censure, and two other articles, declaring, that authors and printers were responsible for the abuse of this liberty; that scandalous libels, and calumnious writings, and works subversive of the fundamental principles of the monarchy, or offensive to public decency and good morals, should be punished according to law; and that the respective judges and tribunals should look to the punishment of such offences.

The sixth article declared, that all writings upon matters of religion should remain subject to the previous censure of the ecclesiastic ordinances, according to the decree of the council of Trent. Mexia proposed, that the liberty should be extended to religious works, but he was not supported; even Torrero, who had been

one of the most strenuous advocates for the political freedom of the press, opposed the extension of the principle. Authors and editors were not required to affix their names to their publications; but the printer was required to know who they were, as otherwise he would incur the punishment which they might deserve: the printer was to put his name, place of abode, and the date of the year, on pain of a fine of fifty ducats, if the work were innocent; and if it were criminal, of the same punishment as the author, in addition to the fine. They who published upon religious subjects without the licence of the ordinary, were declared subject to an arbitrary mulct, besides the punishment which the opinions of the work itself might call for. Authors and editors who abused the liberty of the press, were to suffer a punishment, according to law, proportionate to the magnitude of the offence; and their names and sentences were to be published in the gazette. To secure the liberty of the press, and at the same time restrain its abuse, the cortes was to appoint a supreme board of censure, composed of nine individuals, who were to reside near the government; and a similar board of five members in every provincial capital; three of the nine, and two of the five members being secular clergy; all of them men of learning, virtue, and probity, and of talents adequate to the weighty trust reposed in them. The business of the provincial boards should be to examine such works as were denounced, and upon their sentence the judges were bound to suppress the book, and call in the copies which might have been sold; but their sentence was not definitive. The author or printer might demand a copy of their censure, and lay it before the supreme board; if the supreme board confirmed the decision, he might require them to revise their sentence; but their second opinion was to be final. If the book were suppressed merely on private grounds, as a private libel, the individual aggrieved had still his remedy at law against the libeller. Some appeal was allowed to this supreme board against the decision of the ordinary. The ordinary was not to refuse his licence without assigning the ground of his refusal, and hearing what the author, editor, or printer, could allege in behalf of the work. If he then persisted in his refusal, the person interested might lay a copy of his censure before the supreme board, and refer the book to their judgement; if they found it worthy of approbation, their opinion was to be communicated to the ordinary, that he, being better informed upon the matter, might grant the licence if he thought good, in order to prevent any farther appeal. What that farther appeal was to be, was not stated in the decree. This was not the only point which, by a sort of compromise, was left doubtful in this decree. The article which empowered the supreme board to reverse the sentence of the provincial ones, declared, as it was originally worded, that upon their approbation the book should freely circulate, and that no tribunal should impede it. Some members upon this required that a proviso should be inserted, declaring this was not intended to intrench upon the authority of the inquisition. To avoid, as it appears, this recognition of that baleful power, Luxan proposed that the latter part of the sentence should be omitted, and this was carried by a majority of two votes. It was a victory for the liberal party to leave the question undecided. As soon as the

discussions were concluded, D. Francisco Maria Riesco, deputy for the junta of Extremadura, moved that special and honourable mention of the inquisition should be made in the decree; but the president replied, that this might be taken into consideration on a future occasion.

Notwithstanding the great majority by which the principle of the liberty of the press had been carried, it appeared but too plainly that the real and enlightened friends of liberty were a minority in the cortes, for the whole of the provisions of the decree tended to subvert the principle upon which it was founded; and this might so easily have been avoided, that it is difficult to suppose the evil was not intentional. We must not say, because the trial by jury is so familiar to us, that the Spaniards ought at once to have adopted it, and thus have rendered any other defence of the freedom of the press unnecessary. It would have been no good omen to have seen them hastily borrowing the institutions of another country; but when, having admitted in their discussions that public opinion was a proper check upon the proceedings of the government, they appointed a board of nine individuals, nominated by the government, to be a check upon public opinion, who does not see that they were virtually destroying the freedom which they pretended to establish? This would not have been the case if the various boards of censure had been elected for a limited time by the people * themselves; proper qualifications being required in the persons to be chosen, and the electors filtering themselves through successive processes, as in the general election; so that they in whom the final choice was vested should be competent to exercise it with discretion.

The cortes marked their sense of the assistance which Spain had received from Great Britain, by voting, at the motion of the deputy for Valladolid, D. Evaristo Perez de Castro, a monument, as a mark of national gratitude, to George III. and the British nation. They declared, at the same time, that the Spanish nation would never lay down its arms till it had secured its independence, and the absolute integrity of the monarchy in both worlds, without the smallest dismemberment, and till they had recovered their king, acting always in accord and in the most perfect union with Great Britain. The restoration of Ferdinand was spoken of in this decree; but there were many members who perceived the evils with which the return of that poor prince was likely to be attended. If the French official account of his conduct, upon the attempt of the British government to effect his deliverance, could be trusted, he was still hoping to be adopted by marriage into the family of the man who had betrayed him and usurped his throne. Buonaparte had now found that the Spanish people were not to be subdued like the despicable sovereigns of the north; it was reported at this time, that he was about to make Joseph abdicate his wretched crown; and nothing was more probable than that, having failed to crush the Spaniards by force, he should attempt to enthral them by artifice, making use of Ferdinand for his tool. In contemplation of this danger, Banul moved, that all acts and treaties made by a king of Spain in a state of captivity should *Dec.* 29.

* Some very able comments upon this subject appeared in the Espanol, No. IX.

be declared null and void. Arguelles supported the motion. "It was necessary," he said, "to take this subject into the fullest consideration. Buonaparte had preserved the lives of Ferdinand and his brother and uncle for purposes which were not, perhaps, generally perceived, thinking by their means to introduce dissentions among the Spaniards, and obtain by intrigue what he had not been able to effect by arms. From the moment of Baron Kelly's failure, the public ought to have been prepared for the most extraordinary events. Let us suppose," he continued, "that the innocent and ingenuous Ferdinand, who, young as he is, and educated as he has been, is little able to withstand the artifices of the tyrant, should be compelled to contract one of those marriages which have proved the source of inexhaustible calamities to Spain. May not the tyrant send him into Spain, surrounded by his satellites and advisers, many of whom to our sorrow are Spaniards, accompanied with an army apparently national, composed of Spanish prisoners, and augmented by weak, and indolent, and selfish men: ought we in such a case to hesitate a moment how to act? The cortes are bound by oath to preserve the independence and integrity of the nation; they must keep that oath, or be buried under its ruins. The usurper may attempt to treat with us, promising to restore the king, to make improvements and reforms in the nation, and to evacuate the peninsula; but what security will he offer? Let us reply as the Roman senate did to Hannibal, when at the gates of Rome he offered to treat for peace:—Let him quit the territory of the republic, and we will listen to his proposal." Arguelles spoke to willing auditors. Gallego moved, that in case Ferdinand should cede any of the Spanish provinces to France, all persons obeying his proclamations should be declared traitors. Quintana said, that if he entered Spain with arms in his hands, and with the aid of Buonaparte, he must be treated as an enemy; to which D. Andres de Llano, member for Guatemala added, that if he came under Napoleon's directions, war should be carried on against him under the black flag. In conformity to this universal feeling of the cortes and the nation, a decree was issued on the first day of the ensuing year, declaring, that, having already declared null and of no effect the renunciation which Ferdinand had made at Bayonne, not only because of his want of liberty, but for want of the essential and indispensible consent of the nation, they now declared null and of no effect, in like manner, all acts, treaties, conventions, or transactions of every kind which the king might authorize while he remained in his present state of duresse, whether in the country of the enemy or in Spain, so long as he was surrounded by the arms, and under the direct or indirect influence of the usurper. The nation would never consider him as free, nor render him obedience, till they should see him in the midst of his faithful subjects, and in the bosom of the national congress. They declared, that every contravention of this decree should be considered as an act of hostility against the country, and that the Spaniards would never lay down their arms, nor listen to any proposition for accommodation of any kind, till Spain had been completely evacuated by the troops which had so injustly invaded it.

Cadiz presented at this time one of the most extraordinary spectacles in history. The enemy surrounded

the bay, and possessed all the adjoining country, wherever they could cover it with their troops, or scour it with their cavalry. From this neck of land the cortes legislated for all the kingdoms of Spain. The tyrant, and the intruder, and their sycophants, affected to regard it with contempt; but their inward fear could not be disguised, and the proceedings of this assembly, the first free parliament which had ever met together in the peninsula, were regarded with the deepest anxiety wherever the Spanish language extends. Many of the members of this illustrious body, having lost their whole property in the general wreck, were dependent upon friendship even for their necessary food. A stipend was allowed them; but some of those provinces which were occupied by the enemy could not find means of paying this stipend, and no provision for remedying this evil had been yet devised; they who had professions could not support themselves by them, because the business of the cortes engrossed their whole attention; their self-denying ordinance excluded them from all offices of emolument; and cases are said to have occured, in which some of the deputies had not wherewith to buy oil for a lamp to give them light. Under these circumstances these men respected themselves, and were respected by the nation whom they represented, according to the true standard of their worth. In the bay, the English squadron, part of that fleet which had so long blockaded this very port, was riding at anchor side by side with those ships, which for so many years had borne a hostile flag, but which were now under that same flag, engaged in a cause as vitally dear to England as to Spain. For three centuries, Cadiz had been one of the most important ports in the world: it was now crowded with vessels more than at any former time; for its increased population drew thither traders from all parts of the commercial world. The re-appearance of the yellow fever in the autumn, threatened it with a danger far more dreadful than the enemy; providentially it was far less prevalent than on any former visitation, though there was so much reason to apprehend that it would prove more destructive. It was more fatal at Alicant and Carthagena; but the whole mortality was as nothing compared to its former ravages.

The siege of Cadiz was protracted, on the part of the enemy, because the place was impregnable by any land force; and on the part of the besieged, because the people of Cadiz were not like the Zaragozans. The most remarkable event which occurred during the latter half of the year was, that a shell, thrown from one of the ships, killed the French General Sernamont, the commander-in-chief of the artillery; Col. Degennes, the director of the park; and Capt. Pinondelle, another very distinguished officer. Sernamont was an officer in such esteem, that his heart was embalmed to be sent to France, and placed at the disposal of the emperor. An expedition, undertaken, by Lord Blaney, from Gibraltar, for the purpose of destroying some privateers and gun-boats which the enemy had fitted out at Malaga, failed in consequence of a stratagem. A party of French cavalry were mistaken for Spaniards, though it is said the German deserters in the expedition declared them to be French; their warning was disregarded, and the consequences proved fatal. Lord Blaney and about 200 men were made prisoners; Major Grant and some thirty

or forty killed. A far more important enterprize met with a still more lamentable termination. An expedition sailed from Coruna to occupy and fortify Santona, a position of prime importance in the north of Spain. It was under the command of Renovales, whose exploits in the vallies of Roncal are among the many heroic actions which the limits of a work like this compel the annalist reluctantly to pass over. A tremendous gale frustrated a plan which otherwise could not have failed of success. The squadron was dispersed, and a Spanish frigate and brig foundered in the bay of Santona, and all on board perished. This failure is perhaps more to be regretted than any other single event during the war.

In the course of the year the enemy had obtained many great and important advantages. They had occupied the kingdoms of Andalusia; they had reduced all the fortresses in Catalonia, Tarragona excepted; and they had gained possession of Ciudad Rodrigo and Almeida. Still the aspect of affairs was less unfavourable than it had been at the close of 1809. At that time, Andalusia was laid open to the French; the Spaniards were under an unpopular government, and had no cortes to which they looked with confidence; the submission of Austria left Buonaparte at liberty to direct his whole attention and his whole force to the conquest of the peninsula; the difficulty of co-operation with the Spaniards on our part had been grievously proved; and our army, after a victory more brilliant than any of modern times, seemed to be mouldering away in sickness and inaction. Now, that army, acting in conjunction with Romana, and with a Portugueze force raised and disciplined by Great Britain, was baffling and defying the utmost force which Buonaparte could send against it; the Spanish people, after the defeat and dispersion of their armies, were displaying a spirit of patriotism which no military power could subdue; and the Spanish government was beginning to adopt those measures which were best calculated to strengthen that spirit and support it.

CHAP. XIX.

King's Speech at the close of the Session. Release of Sir Francis Burdett. Commercial Embarrassments. Negociations for an Exchange of Prisoners. Arrival of Lucien Buonaparte in England. Death of the Princess Amelia. Illness of the King, and Parliamentary Proceedings consequent thereon, till January 15th, 1811.

PARLIAMENT was prorogued by commission before the fall of Ciudad Rodrigo: the king, in his speech, repeated the assurance of his "firm and unaltered conviction, that *June 21.* not only the honour of his throne, but the best interests of his dominions, required his most strenuous and persevering assistance to the glorious efforts of the Spaniards and Portugueze." He congratulated the country upon the conquest of Guadaloupe, which, with the capture of the only colonies in the West Indies that had remained in the possession of the Dutch, had deprived the enemy of every port in those seas, from whence our islands or our commerce could be molested. He expressed also his satisfaction, that the resources of the country, "manifesting themselves by every mark of prosperity, by a revenue increasing in almost all its branches, and by a commerce extending itself in new channels, and with an increased vigour, in proportion as the enemy had in vain attempted to destroy it, had enabled parliament to provide for the expences of the year, without imposing the burden of any new taxation in Great Britain; and that, while the taxes which had been necessarily resorted to for Ireland, had been imposed upon articles which would not interfere with the growing prosperity of that country, they had found it consistent, with a due regard to its finances, to diminish some of those burdens, and relax some of those regulations of revenue, which had been found most inconvenient in that part of the united kingdom." The speech concluded with a reference to that spirit of insubordination which Sir Francis Burdett's conduct had called into action. "His majesty," it said, "has commanded us to recommend to you, upon your return to your respective counties, to use your best exertions to promote that spirit of order and obedience to the laws, and that general concord amongst all classes of his majesty's subjects, which can alone give full effect to his majesty's paternal care for the welfare and happiness of his people. His majesty has the fullest reliance upon the affections of his subjects, whose loyalty and attachment have hitherto supported him through that long and eventful period, during which it has

pleased Divine Providence to commit the interests of these dominions to his charge. His majesty feels, that the preservation of domestic peace and tranquillity, under the protection of the law, and in obedience to its authority, is amongst the most important duties which he owes to his people. His majesty commands us to assure you, that he will not be wanting in the discharge of that duty; and his majesty will always rely with confidence on the continued support of his loyal subjects, to enable him to resist with success the designs of foreign enemies, and to transmit unimpaired to posterity the blessings of the British constitution."

From the time of Sir Francis Burdett's committal, the agitators had omitted no * means of keeping up the spirit which he had excited. "Now that he had his signals flying," they said, "the people of England would stand boldly by him, and support him to triumphant victory. The day on which he departed from the Tower would be the proudest in his life,—it would be a *real* jubilee; there was not a house from John-o-Groats to the Lands-End, whose inhabitants would not rejoice." The livery of London, with that folly and intemperance which of late years have characterized their proceedings, voted an address of thanks to Sir Francis for his conduct, which was presented by a deputation, with the sheriffs at their head. "A late petition of theirs," said one of the demagogue journalists, "was not received by the king; they were refused the honour of presenting it to him, either on the throne or at the levee; they were refused the honour of coming into the presence of the king. Well—they had not been refused the honour of coming into the presence of Sir Fran-

* The following is a specimen of the talents of this party for misrepresentation. It deserves to be preserved for its egregious absurdity.

"*To the Editor of the Morning Chronicle.*

"SIR,—We have all read, with detestation and horror, the accounts of the *Secret Tribunals* in Germany during the dark ages, when the unhappy victims were dragged at *midnight* before their unfeeling judges, on the slightest crimes, and without being allowed to face their accusers; and there are few of us who have not burnt with indignation at the recital. We wonder how a nation, that has ever tasted of liberty, should so far forget its true interests, as to suffer so violent an encroachment on its rights:—and yet our astonishment will be somewhat abated, when we find that even Englishmen, at the present day, can suffer such transactions to pass over with impunity, as, in the hands of some future *elegant* historian, may equally rouse the feelings of posterity.

"I allude, sir, to the recent attempts of a certain assembly to set themselves above the law of the land. In what particular does their conduct differ from that of the tribunals above mentioned? Their sittings are always by *night*: their meetings are rendered *secret* at the mere will of any one of the members: their victims are not allowed to *face* their accusers: neither have they the opportunity of *defending* themselves: and moreover, they may be sent to *prison* without the possibility of an *appeal* to the law of the land. Surely this picture is equally true with that of the secret tribunals above alluded to; and equally calls for the reprobation of every sincere friend of his country, who is desirous of preventing so foul a stain on the page of its history.

S. P. Q. R."

cis! They had met with no refusal there! At the Tower they were welcome!"

Mr Sheriff Wood told Sir Francis, that his release could not be a triumph for the people of England, unless it were obtained by the vindication and legal establishment of those grand principles of the contitution, which had been so grossly violated in his person.—A triumph, nevertheless, the agitators were resolved to have, and preparations were made for it with as much form and publicity, as for a coronation or the funeral of Nelson! The order of the intended procession was published, stating where the gentlemen who intended to walk were to assemble, and where those who intended to ride, and where the carriages. Gentlemen on horseback, with white wands, were to attend, to marshal each division; the members of the common council and livery were to join the ceremony; bands of music, and banners, and trumpeters, were prepared; and, that no one might be in want of Sir Francis's dark blue favours, a person drove about the streets in an open carriage to sell them, till he had collected such a mob in St Giles's, that he was committed to the watch-house.

The sheriffs thought it necessary to warn all persons against committing any breach of the peace, on an occasion which was so likely to produce disturbances, in the then inflamed state of popular feeling. The lord mayor received an intimation from the home secretary, to take proper measures for preserving the peace of the city; and for the purpose of assisting the civil power, in case it should be found necessary, the volunteers were called out, and troops stationed in proper places. When the day of the prorogation arrived, the shops were shut, the church bells of many parishes rung, the streets through which the procession was to pass were soon filled with people, wearing medals and blue favours; the windows were crowded with women, displaying the colours of the hero of the day; bands of music, with banners flying, proceeded from various parts of the town toward Tower-hill, and marrow-bones and cleavers were heard in every direction. The various divisions assembled at their stations, and being marshalled by the gentlemen on horseback with white wands, the whole procession met on Tower-hill, expecting momently that the prorogation would be announced, and Sir Francis come forth, when to their utter astonishment they were informed that Sir Francis was gone: he had crossed the river incognito, where his own carriage was waiting to convey him to Wimbledon. Grievous as this disappointment was, they resolved, nevertheless, that the ceremony should take place; and accordingly the people had their procession, the mob huzzaed, and the ladies flourished their handkerchiefs, ignorant, till the empty phaeton appeared, that the real presence was wanting. Amid all these preparations, Gale Jones, in whose case the question had originated, and who had a much better claim to popular sympathy than Sir Francis, was totally overlooked. Neither the gentlemen on foot, nor those on horseback, nor those in carriages, had made any arrangement for honouring his release, or conveying him in triumph; some humbler friends, indeed, had a hackney coach ready for him, and wrote his name upon the back and sides in chalk. In this vehicle he took his seat, and a party of the mob soon relieved the horses from the trouble of drawing him.

The procession did not reach Sir

Francis's house in Piccadilly, its appointed goal, till about eight in the evening; there it broke up: but an hour afterwards, the thousands who had dispersed were scarcely missed from the throng. The more riotous remained: as night closed they insisted upon an illumination; and their orders were obeyed from Piccadilly to the Mansion House, those persons who refused obedience having their windows broken. This, however, was the only mischief which took place. Two members of the committee who arranged the procession, waited that night upon Sir Francis, to obtain an explanation of his conduct in thus disappointing his friends. Sir Francis said, "It had been the result of the deepest reflection, and had occupied his mind more than half the time he had been in the Tower; and notwithstanding the public might feel disappointed, and would, no doubt, express their disappointment strongly, yet he was convinced that in less than six weeks there would not be a reflecting mind in the kingdom that would not approve of what he had done. His enemies," he said, "had been base enough to charge him with the blood that had been shed; and had he, by gratifying his personal vanity, been the cause of a single accident, or the death of any person, he should have reflected upon it with pain for the remainder of his life." His friends of the committee said, there was little probability of mischief; and indeed such precautions had been taken, that it was scarcely possible. He replied, "there was no answering for public feeling." They then observed, that his determination ought to have been made known: he made answer, "It was absolutely necessary there should be an expression of public sentiment; that was now complete, and his being in the procession could not have added to it." This conversation was published with Sir Francis's consent, that it might satisfy the disappointed people. One of the journals of the faction threw out a mysterious hint to strengthen this explanation, if such it may be called. "A motive," it said, "did probably exist for the conduct of Sir Francis, which, if it were what they conjectured, would be deemed more honourable to him than any act of his life: but the moment was not yet arrived when that motive could be disclosed without defeating its object." "He had done every thing," it was said, "which was essential; he had suffered the people to assemble; he had forced government to pay to his influence the compliment of marching an army to the metropolis; and he had drawn forth and mustered the population of all London on the question." The people, however, were not satisfied; many had come from the country to join in the procession; one party was said to have travelled post from Yorkshire, and just arrived in time to be disappointed; they thought themselves deceived by Sir Francis, or at least treated with disrespect; and his conduct was variously accounted for, but generally disapproved. Some attributed it to an apprehension that Gale Jones would be seated beside him in the triumphal car, and to his jealousy of a rival and colleague in popularity; but there seems to have been no intention of this kind, and the party were quite as willing as Sir Francis himself that Gale Jones should be kept out of sight. The alleged reason that his presence might have rendered mischief more likely, bore with it little appearance of validity; ill-humour and disappointment were not the most probable means of

making the mob peaceable, especially when it was so certainly to be expected that his absence would be attributed, not to his own choice, but to the interference of government. The general opinion ascribed his conduct to the most natural cause,—a compliance with the solicitations of his family that he should not expose himself to that personal danger, which, in case of tumult, might so easily occur. But whatever was the cause, the popularity of Sir Francis from that day was on the wane; the progress of his proceedings at law upon the question were regarded by the public without interest; and when it was finally decided by the courts of law to which he had appealed, that the measures of the House of Commons towards him had been as constitutional and legal as they were necessary, the event passed with as little notice as a common suit at law.

Magna Charta and the constitution had no sooner ceased to be the subject of alarm among popular politicians, than new matter was found for fear and prophecy in the state of the finances. The loan for the year had been taken by the two houses of Sir Francis Baring and Abraham Goldsmidt: a pressure of commercial difficulties was felt, occasioned partly by that species of hostility which America, at the instigation of France, was carrying on against us, partly by the increasing rigour with which Buonaparte's decrees against English commerce were enforced in the north of Europe, still more so by the folly with which adventurers of little or no capital had engaged in the wildest speculations, and glutted the markets of South America with British goods. *Omnium*, instead of bearing a premium, as in ordinary times, was at a discount, when Sir Francis Baring died, and that circumstance depressed it farther, though there was not a doubt of the responsibility of his house. At the end of September it fell to 5 and 6 per cent. discount. Heavy as the loss would have been, the other house could well have borne its part, and would have received that prompt and liberal assistance which its own liberality so well deserved; but Abraham Goldsmidt had been accustomed to uninterrupted prosperity, and could not bear even a momentary reverse; and rather than intimate to his friends that he needed their support, he shot himself. There was the more reason for imputing this rash act to insanity, because one of his brothers, without any apparent motive, had committed suicide before him. No single event ever produced so great a shock in the city. *Omnium* fell in the course of that day to 10¾ discount. The discount, however, was finally reduced to about 4 per cent., and public credit speedily recovered. But the effect of the rash speculations to South America continued to show itself in numerous bankruptcies, and an alarm had been raised by a Report of a Committee of the House of Commons, which had been appointed to inquire into the state of bullion,—a prolific source of controversy and confusion, the history of which belongs to the annals of the ensuing year.

While this happy topic for the disputatious was afloat, the hopes and fears of a far more numerous part of the community were excited by a negociation for an exchange of prisoners. A proposal, on the part of France, for the exchange of an individual, led to this negociation; the British government, in refusing its assent to this proposal, professed its readi- *Oct.* 12. 1809.

ness to enter into arrangements for a general exchange. No immediate notice was taken of this overture; but the French General Brenier, made prisoner at Vimeiro, having been permitted to return to France, his account of the disposition of the English government upon this subject induced M. Riviere, head of one of the departments of the marine, to address a letter to the Transport Board. "Three points," he said, "had hitherto prevented the establishment of a cartel: the difficulties arising from the English detained in France at the commencement of the war, whom he should call hostages, the Hanoverian army, and the army of St Domingo. These difficulties might be discussed by commissaries, who might meet at Morlaix to determine upon the basis of a general exchange; for he was authorized to say, that his government desired an exchange in mass on both sides, in which there would be no difficulty in comprizing the allies of England. It was well understood," he added, "that prisoners of war might be ransomed, and that that nation which had the greatest number should receive as an equivalent a certain sum in the form of ransom, as might be specified in the terms of the convention." In reply, our government consented that those persons should be exchanged whom M. Riviere called hostages, but who in English history will always be called *detenus*: our language affords no appropriate name for them, and we must therefore borrow from France a term for persons made prisoners by a treachery peculiar to the present French government. Our government also agreed, that the Hanoverian troops actually detained in France as prisoners should be exchanged upon the same terms as British prisoners. With regard to the third difficulty, it consented that the prisoners of the army of St Domingo should be sent to France, on conditions calculated to settle satisfactorily two questions which were then in dispute between the agents of the respective governments; namely, the interpretation of the terms of the capitulation of St Domingo, and the balance of 1905 men, alleged by the government of France to be due on the numbers already released. With this view government was ready, in discharge of that alleged balance, to allow an equal number of the army of St Domingo to be considered as exchanged and at liberty to serve, and the remainder, who were calculated at 942 men, should be sent to France on their parole, conformably to the interpretation which the French government gave to the terms of capitulation. The reply concluded by declaring, that the principle of ransom should not form any part of the arrangement.

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M. Riviere replied, that the difficulty concerning the *detenus* was removed, and there was no objection to the arrangement for the army of St Domingo; but the proposition respecting the Hanoverians was not clear. "The Hanoverian army," he said, "17,000 strong, were made prisoners by a positive capitulation; if the men were left in Hanover, it was purely by condescension; they ought not to serve till they were exchanged: nevertheless, a part of that army, bound as it is by that capitulation, is at this time serving in your ranks. To refuse to exchange them, would be equally to disregard the most sacred laws of war, and those of honour, which make the guarantee of military stipulations. If,"

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continued this Frenchman, "as his excellency the minister of marine wishes to believe, you are animated by the desire of restoring to their country near 16,000 of your fellow-citizens who are in our hands, a number more considerable, in proportion to the respective population of the two countries, than that of the French in yours, you will be especially careful to give your commissary instructions tending to a good understanding upon this important point. There is also another proposition to which you have not replied, and which is too important to be omitted; it relates to the allies of England, whom I announced to you that I was authorized to include in the exchange. In fact, is it not a point of justice that the Spaniards, whom we have taken in the midst of your ranks in the kingdom of Leon, in Gallicia, during the retreat of General Moore, and afterwards in the campaign of Talavera, and at the battle of Ocana, should be comprized in the same cartel? One Spaniard whom you should take back to Cadiz, would, by his single presence, produce a far greater effect for your cause, than the return of a Frenchman would be useful to France."

If upon any subject a government can possibly be justified in making derogatory concessions, and receiving insolent language without resenting it, it would be upon an exchange of prisoners, where the happiness of so many thousand families is at stake. The Admiralty, without noticing the tone of M. Riviere's communication, replied by simply informing him, that they had appointed a commissioner, according to his intimation. Mr Mackenzie was the English commissioner, M. Moustier the French one. The points respecting the *detenus* and the army of St Domingo had been conceded by the British government: they now authorised Mr Mackenzie to agree to the exchange of French subjects for such Hanoverians as, having composed a part of the army of the electorate under General Walmoden, were now either actually serving in the British army, or were detained in France as prisoners of war, and could actually be produced as such. Mr Mackenzie pointed out to the French commissioner the absurdity of pretending that Great Britain ought to deliver up French subjects in exchange for men who were either living under French controul, or in the French, Dutch, or Prussian service. All non-combatants, we proposed, should be released without exchange, a clear advantage in point of number to the French; soldiers and sailors to be exchanged man for man, and rank for rank; and lists to be interchanged of all officers who had broken their parole, who should be considered as not at liberty to serve till they were exchanged, and should be put at the bottom of the list. There would remain a great surplus of French prisoners in our hands, whom France proposed to recover by one of two means,—on the footing of ransom, or of exchanging them for the allies of Great Britain. The ransom, according to the cartel of 1780, was considered wholly inadmissible, on account of the striking differences of the situation of the two countries, and of the war, at that time and at the present; upon the other means, the British government expected that France would propose some plan for carrying it into effect, and obviating the many and obvious

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difficulties which made Great Britain fear no satisfactory arrangement would be concluded.

M. Moustier now required that the basis of the negociation should be, the general, absolute and simultaneous deliverance of all the prisoners on both sides, of what nation soever. He delivered in a project upon these grounds, but the detail was not perfectly consistent with the principle which he had laid down; it proposed that all the French, Russian, and Dutch prisoners, and all prisoners subjects of the powers in alliance with, or in the service of France, Russia, and Denmark, should be immediately transported to their own country, or delivered to French commissaries appointed for that purpose. English prisoners to be in like manner liberated; but the Spanish, Portugueze, and Sicilian prisoners to be exchanged, 500 at a time, for a like number of French prisoners in the hands of their respective countrymen; and after all the French had been thus exchanged, the surplus of Spanish prisoners were to be delivered without exchange, so that no prisoners would remain on either side. The British government was to come to an understanding with Russia and Denmark upon this convention: the Spanish government was not mentioned in the project. Great Britain was thus called upon to stipulate for the conduct of her allies, without any communication or concert with them; and it was perceived that the object at which France was aiming, was to effect an immediate exchange of all the French prisoners for all the British ones, in which the advantage would be very greatly on her side. But the British government was desirous of effecting an exchange upon the principle which had been started, and proposed a project of its own, which rendered the application of that principle perfectly equitable to all parties. According to this proposal, the British and French prisoners were to be exchanged thousand for thousand, the *detenus* included, and 2000 allowed for the Hanoverians, that being the utmost number of those included in Walmoden's capitulation who were in the British service. The Spanish and French prisoners were then to be exchanged in like manner. When all the French prisoners in Spain had been thus released, the balance of Spanish prisoners was to be exchanged against the balance of French prisoners in England, thousand by thousand; and when the balance on either side should be exhausted, the surplus should be immediately sent back to its own country, but on parole not to serve till regularly exchanged. The two contracting governments should undertake to communicate to their respective allies the terms of this convention, and to use their influence to engage them to accede thereto.

May 25.

The reply to this project was perfectly in the spirit of the insolent government from which it proceeded. "Mr Mackenzie's counter-project," it said, "admitted the principle of a general liberation of all the prisoners on both sides: being once agreed upon that point, it seemed impossible not to come to an understanding upon the means of effecting it; for the principle was not agreed upon for the sake of adopting, on one side or on the other, means which would tend to annul it, or to elude its most important consequences. Under this point of view the English project was to be considered. It proposed a partial

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exchange of English prisoners for French, and then made the exchange of the remaining French depend upon the result of negociations to be opened with the Spanish juntas. But those juntas," said the French commissary, "are not a single government. That of Gallicia has nothing in common with the junta of Cadiz, nor the junta of Cadiz with that of Valencia. These governments changing their direction every instant, as popular commotions affect them, no business can be carried on with them; and the liberation of the French prisoners who might remain in England must not be subjected to the decision of such assemblies. After having acknowledged the principle of a general liberation, the execution is rendered impossible, if it is pretended that it must depend upon the caprice or variability of these bodies. The French government * knows that the juntas of Gallicia, of Valencia, and the other insurrectional governments in Spain, are already subdued, or will very speedily disappear: it will thus become impossible to execute these parts of the treaty with them, and it may be foreseen that England will then refuse to set at liberty the French prisoners remaining in her power, after the total exchange of the English prisoners. The adoption of the British counter-project would in this manner prove to be that of a partial exchange, liberating the whole of the British prisoners, and a part only of the French. The Spanish juntas may refuse the proposed exchange,—it may be impossible to carry on a negociation with these assemblies, or they may speedily cease to exist:—here are three obstacles to this part of the counter-project, which will prevent the liberation of the French from being effected. The only and incontestable means of completely executing the principle which has been agreed upon, is to bring into Calais roads all the French, and allies of the French, who are prisoners in England; to bring there also all the English prisoners, and as many of the allies of England as shall make together an equivalent number, and then to complete the exchange. By this means the exchange, depending only upon the will of the two governments, will be real. From Calais the British government may transport the Spanish prisoners to those parts of Spain which are still in insurrection, and there do with them what it may think fit. The surplus of the Spanish prisoners may then be exchanged against the French prisoners in Spain, and the British government shall promise its interference, as far as circumstances will permit, to effect this agreement." M. Moustier added, "he flattered himself that the truth of these observations would strike the British commissioner, and that he would acknowledge that the execution of a principle admitted by the two governments could not be made to depend upon the pleasure of insurrectional governments, which, considering the immense forces that the calm now beginning to operate upon the continent permitted France to dispose of, evidently could not last long enough for the counter-project to be completely carried into execution. It was not from a spirit of pride or presumption that he insisted upon this point, but to prove his argument, that if the plan of the English were adopted, the situation of the remaining French prisoners in England

* *A la conscience.*

would become hopeless and unexampled. In fact," he continued, "in the actual state of the balance of prisoners between France and England, it is evident that, in relation to the respective population of the two nations, each has nearly the same proportion of prisoners; consequently there must be the same proportion of wishes formed for their deliverance, of guarantees for the treatment which they receive, and of power of reprisal, if circumstances should render reprisals necessary. But if we begin to deliver all the English prisoners, England will no longer have any interest in this portion of the evils of war, and the French prisoners in England will find themselves without any guarantees for their exchange, or for the treatment which they may be made to suffer. Upon this reasoning the principle of a general exchange is founded, and this reasoning, equally forcible in reason, in policy, and in humanity, will not permit the admission of means of execution tending directly to change the consequences."

Mr Mackenzie was instructed to reply, that the British government perceived with great regret, in M. Moustier's note, a tone of expression, and a temper of discussion, so little corresponding with the conciliatory and moderate spirit in which the negociation had been conducted on the part of Great Britain, and so little calculated to accomplish the object which both governments professed to have in view. M. Moustier was reminded that the principle really adopted was the general exchange of all the prisoners on all sides, whereas what he was arguing for was the liberation of all French prisoners in England contemporaneously with that of all English prisoners in France, in which the whole advantage, notwithstanding his singular argument, was on the side of France. Even according to M. Moustier's last proposal, the execution of the principle, as relating to the Spaniards and French, would depend upon the successful intervention of the British government with that of Spain, which he was pleased to call insurrectional. "It was not consistent," Mr Mackenzie said, "with the functions with which the respective commissioners were charged, that the question, as to the government of Spain, should be settled or even discussed between them. He must however observe, that a government capable of sending forth armies which could take prisoners from its enemies, was at least competent to treat with them for the exchange of those prisoners. That government, which Great Britain acknowledged as her ally, must at least be consulted by her in what related to its interests, its feelings, and its honour. It was for that government to decide whether it was willing to purchase the release of so many thousand Spaniards, who might co-operate in its defence, at the expence of permitting the release of so many thousand French, who might co-operate in its attack. The probable duration, and ultimate event of the contest, it was not for the commissioners to anticipate; but if the overthrow of that government were so certain and so near, that there might not be time even to communicate to it the terms of a cartel, what," Mr Mackenzie asked, "became of all the arguments employed with so much earnestness to induce Great Britain to exchange the French prisoners in her power for Spanish prisoners in the power of France? If the Spanish war were indeed at an end, what rea-

Aug. 2.

son could exist why Great Britain should, in such a case, be ready to make any sacrifice for their exchange? The assent of Great Britain to exchange the prisoners of her allies as if they were her own, was not merely conciliatory and humane, but liberal beyond example; the details of execution which she had proposed were simple and sincere, gradual, but not dilatory; and the reference to her allies was calculated not to impede the arrangement, but to remove those ulterior difficulties which would otherwise inevitably arise in its execution."

Mr Mackenzie then repeated the proposal of the British government: first to exchange French and British prisoners; then to exchange French prisoners in the power of Britain for the allies of Britain; finally, to set the surplus, on whatever side it might be, at liberty, upon a positive engagement not to serve till regularly exchanged. "This plan," he argued, "was not only more expedient and analogous to the practice of civilized nations, but it was also more convenient and expeditious than that proposed by the French government,—to march the prisoners of all nations and countries, from the interior of England and France, to Dover and Calais, and there exchange them in masses against one another, to the amount, as M. Moustier stated, of 110,000 persons. Even if such a plan were capable of execution, which might well be doubted, it would be attended with the greatest difficulties and inconveniencies of all kinds, and with unnecessary fatigue, misery, and delay to the prisoners themselves. If, on the contrary, the cartels should proceed to and from the several most convenient points of the respective countries engaged in the exchange, the difficulties of procuring and supplying the means of subsistence and of transport, both by land and water, would be, by this division of the operation, very considerably reduced; and by a proper management of the cartels, their operation might be so far simultaneous, as that the saving in point of time, and consequently of individual misery, would be as great, as the other advantages afforded by this mode of proceeding. It was farther to be observed, that the French plan proposed to send the Spanish prisoners to England, or to the different towns in Spain which might be agreed upon. The latter part of that alternative alone was admissible. It was not just to throw upon Great Britain the trouble and expence of transporting her allies to their respective countries; the only fair and equitable principle was, that each of the contracting parties should engage to transport to their respective countries the prisoners in the possession of each. The British government was sincerely desirous of effecting a general exchange, and the stipulations, when agreed upon, would be fulfilled with its accustomed good faith, which was too well known to the whole world to render it necessary to notice the French insinuations upon that subject. The continuance of any French prisoners in England, after all the British subjects had been released, had not been contemplated by the British government: when it proposed that all its subjects should be immediately released for an equal number of French, it saw no reason to anticipate the refusal of Spain to the remaining part of the project, and was desirous, from motives of humanity only, to put an immediate termination to the sufferings of a part at least of the prisoners on both sides. To obviate, however, all the objec-

tions of France upon this point, it now proposed, that in case the government of Spain, to whom the terms of this convention would be immediately communicated, should not signify its assent to them within the space of three months from the signature of the treaty, the surplus of French prisoners in England, after the exchange had been effected, should be released without delay, in successive deliverances of a thousand each, on proper receipts being given, and upon a positive engagement not to serve against Great Britain or her allies, in any quarter of the globe, until regularly exchanged against such British prisoners as might hereafter fall into the hands of France, who should be immediately released on that account from time to time, till the accounts were balanced. The officers thus released without exchange were to be considered as on parole, and bound to send regular reports to the British agent in France of the places of their residence, as was practised in the last war."

This proposition was made on the second of August. The British messenger and vessel were detained for the reply, and Mr Mackenzie, having waited a fortnight, told M. Moustier verbally, that he had been instructed to wait thus long, and that, in the event of the proposals not being acceded to, he should return to England. After a second delay
Aug. 28. of twelve days, he informed him he was now commanded to state, that the British government felt itself reluctantly obliged to conclude, that the protraction of the negociation was unnecessary, and had therefore ordered him to apply for his passports. M. Mou-
Aug. 30. stier now replied, that the new proposal of the British government was admitted, with this alteration, that the surplus of the French prisoners should be liberated immediately, instead of waiting three months. "Without this alteration," he said, "the article was inadmissible, because France had constantly had it for a principle never to liberate all its English prisoners, while it left any surplus of French subjects without a guarantee in the prisons of England. Besides," he continued, falling into that strain of insulting falsehood so familiar to all the agents of his government, "it is for rea on to decide between two independent powers. The French government considered the Spanish and Portugueze prisoners as being English prisoners, and this principle is too clearly indicated by the nature of the thing itself to depend upon any particular will. How, in fact, should those regiments of Gallicia not be reckoned as English prisoners, who, when General Moore commanded both armies, were taken in fighting to cover his retreat, and who thereby saved his rearguard? And the troops of Cuesta, who at the battle of Talavera formed the right of that army of which the English formed the left, and who after that battle were taken upon the Tagus, where they covered the retreat of General Wellington? And the Spanish garrison of Ciudad Rodrigo, who defended that place by order of the same general, and who, by supplying the place of British troops there, prevented an equal number of Englishmen from falling into the power of the French,—how should those Spaniards not be considered as if they were English themselves? And the Portugueze prisoners taken when fighting in the British ranks, and they who are taken from the garrisons of Almeida and of Cadiz, in the daily

sallies which they make with the English, ought not they also to be reckoned as English ?"

The confidence with which the French government looked on to the conquest of Portugal by Massena, encouraged them to hold this language. In the course of the negociation it led to a most extraordinary instance of presumption. Mr Mackenzie was one day surprised by a demand, that Lord Wellington and his whole army should be considered as prisoners of war, and taken into the account to be exchanged accordingly. After that sort of pause which is occasioned by an equal disposition to laughter and to resentment, he replied, that he certainly should not be made the instrument of insulting his government by transmitting such a proposal, nor would he proceed a step farther in the negociation till a direct apology was made for it.

M. Moustier, in pursuance of his assumption that the Spanish prisoners were to be considered as English, gave in a new project, according to which we were to exchange three Frenchmen for one Englishman, and the Spanish prisoners in France were to be held at our disposal, Great Britain being at liberty either to fetch them from France into England, or carry them to Spain. The question of the Hanoverians also, which had been considered as settled, was again renewed, and 8000 French demanded in exchange for them, the French insisting upon an exchange for all the Hanoverians who had died in the British service. The British government, carrying concession as far as possible, agreed to allow 1000 men for these Hanoverians, making the number 3000 instead of 2000, the utmost to which it could amount. By this time also a communication had been received from Spain, notifying the readiness of the Spanish government to accede to a convention upon such terms as might be concluded upon under the mediation of Great Britain. In the final project, therefore, which Mr Mackenzie presented it was proposed, that as soon as the English and French exchange was completed, England would send the surplus of its prisoners into France by successive deliveries of a thousand; as soon as the first thousand were delivered, France should send a thousand Spaniards into Spain; and as soon as accounts were received of their delivery, the exchange should proceed in the same manner till it was completed, the residuary balance being to be liberated as had before been agreed upon.

The negociation was now rapidly approaching to an end. M. Moustier repeated his demand of 8000 French for the Hanoverians. He insisted, that the French government would never submit to any arrangement by which all the English were to be released before all the French were liberated also; and repeated, that when that was done the British commissaries might transport the Spanish prisoners wherever they pleased. Unjust as it was to impose upon England the arrangement, the expence, and the difficulty of transporting the Spanish prisoners, this point alone would not have induced the British government to break off the negociations; but the repeated proposal respecting the Hanoverians was too preposterous to be submitted to; and when the French lowered their demand from 8000 to 6000, still it was an unwarrantable claim: on that head we had already conceded too far, and there yet remained the great and insurmountable difficulty. For ten thousand English prisoners, France imme-

diately required fifty thousand French; the after-delivery of our allies was then to rest upon the honour of the French, that is to say, upon the veracity of Buonaparte, who never kept any promise, any oath, any treaty, which he found it convenient to break. Mr Mackenzie, therefore, finally demanded his passports, and above 100,000 men of the different hostile powers were left to languish in hopeless captivity, through the insincerity of France; for it is evident that the French government either meant to have detained the Spanish prisoners after the exchange with England had been concluded, which is sufficiently probable; or, what is not less likely, that from the commencement it professed a false desire of effecting an object, which it had determined should never be effected. Had there been a sincere desire on the part of France of accomplishing an exchange, she would not have started difficulty after difficulty, brought forward one demand after another, and invented objections, till England became weary of being alternately trifled with and insulted. When the failure of the negociation was made known, several French prisoners in this country destroyed themselves, unable to bear this cruel disappointment, and the hopeless prospect of interminable captivity.

While the negociation was pending, Lucien Buonaparte put himself and his family on board an American vessel at Leghorn, sailed to Cagliari, and there claimed the protection of the British minister, that he might be permitted to pursue his voyage to America unmolested. Lucien Buonaparte, like his brother Napoleon, began his political career by professing those principles which, at the commencement of the French revolution, held out the promise of a golden age; but, unlike his brother, he was sincere in his profession. When Buonaparte was in Egypt, Lucien was regarded as one of the leaders of the republican party, in opposition to the directory; and to his intrepidity and influence, in the memorable scene at St Cloud, more than to any other circumstance, Buonaparte was indebted for his success and his elevation to the consulship. Shortly after this event he married a second wife: the course which Napoleon pursued was too repugnant to his principles for him to continue long in public life, and he retired to Rome, devoting himself to literature and the fine arts, and the enjoyment of domestic comfort. Buonaparte intended to have made him king of Spain. Lucien would not submit to be made the instrument of so iniquitous a purpose, and persuaded Joseph also to refuse the proffered crown; but Buonaparte, despising Joseph too much to think his consent necessary, caused him to be proclaimed king without it. The tyrant, who had found three brothers submissive to his will, would not suffer Lucien to pursue his own honourable path in peace: he urged him to divorce his wife, that he might marry another from some of the royal families of the continent; and it is believed that he had determined upon forcing his daughter into a marriage with Ferdinand VII. The letter said to have been written by that poor prince after Kelly's attempt to deliver him, tends to confirm this; and there can be little doubt that this was the cause which induced Lucien to fly from Italy. Mr Hill, the British minister in Sardinia, did not feel himself authorized to grant him a safe conduct for America, but sent him, under convoy of a frigate, to Malta, there to remain till the plea-

sure of the British government could be known. At Malta, General Oakes considered him as a prisoner of war, treating him, however, with that respect which his character deserved. The British government sent for him to England, and, not thinking it proper to let him proceed to America, appointed Ludlow for his place of residence, placing him under the superintendence of an officer, who was charged to inspect his leters.

The arrival of Lucien Buonaparte from Italy excited more of the public attention than all the other events which occurred in the Mediterranean during the year. The is-

April 16. land of St Maura was added to the other Ionian isles in our possession, being taken in a very gallant manner by General Oswald. Several slight actions took place with the Neapolitan flotilla, and Murat at length proved the possibility of effecting a landing in Sicily, notwithstanding the naval force by which he was opposed. The nature of the experiment, however, was not much to his satisfaction.

Sept. 18. About 3500 Corsicans and Neapolitans got on shore; they were speedily attacked, and on the first attack precipitately re-embarked; about 900, who were cut off from the beach, were made prisoners. A flag, inscribed as a gift from Murat to the Royal Corsican corps, was taken with them. On the side of the British, not a single man was killed, and only three were slightly wounded. While Sicily was thus protected by Great Britain from external foes, its internal evils became every day greater, and in the course of the ensuing year the British government was compelled to perceive the dangers to which it had so long been obstinately blind. This is a subject which will be treated at due length in the next volume of these annals.

Another personage made his appearance in this country, as unexpectedly as Lucien Buonaparte. Gustavus, having wandered over great part of Germany, and left his eldest son among the Moravians at Hernhut, escaped to a British vessel in the Baltic, and arrived in England: But the curiosity of the public had little leisure for dwelling upon these strangers. Toward the latter end of October, the Princess Amelia died, after a painful and protracted illness, which she bore with perfect resignation. When she knew that her end was approaching, she ordered a ring to be made, enclosing a lock of her hair, with her name on the inside, and the words, "Remember me;" and when her blind father, making his daily visit, came to her bed-side, and held out his hand to her, she put the ring on his finger silently. Her own departure was so near, that she never knew the fatal consequences. The king during her long sufferings had watched the progress of her disease with the most eager anxiety; and when he felt this last mark of his daughter's love, knowing all that it imported, it agitated him so strongly, as to affect his intellects, and bring on a recurrence of that malady which had rendered the appointment of a regent necessary two-and-twenty years before. Parliament had been convoked for the first of November, according to form. When it is intended that it actually shall meet, the words *for the dispatch of business* are inserted in the proclamation; but it was not intended that it should meet, and the words therefore were not inserted. An order of council had been published, directing tha it should be prorogued to the 29th

and authorizing the chancellor to issue a commission under the great seal for the prorogation; but the king was not in a state to sign the commission, and both houses therefore met under these singular circumstances, not being summoned for the dispatch of business, and therefore left to form a course of proceeding for themselves, having no precedent to guide them. The physicians at this time confidently expected that his majesty would speedily recover; and ministers having stated this, moved an adjournment for a fortnight, which was agreed to without a dissentient voice.

Nov. 15. At the fortnight's end the king remained in the same state, and the physicians of the same opinion; one of them, who had attended upon him on a former occasion, declaring that he perceived the leading symptoms which on that occasion convinced him the patient was recovering. A second adjournment for a fortnight was moved. Lord Grenville observed, that he should prefer a shorter adjournment, followed up by adjournments from time to time, as the symptoms of amendment continued to appear; but he would rather err on the side of forbearance and delay than of precipitation, and for the sake of unanimity, would therefore assent to the motion. Earl Stanhope assented for the same reason, and because members of both houses, who could not have yet arrived from distant parts of the realm, would probably wish for the delay, and also because he thought they had no right to meet at all, unless that fact, which constituted the necessity for their meeting, were authenticated, and regularly brought before them. Earl Grey assented also, but he expressed very serious doubts of the propriety of the proceeding, reminded the peers that at this period it was unquestionably desirable that all the energies of the royal mind should be awakened, and asking, whether there was that prospect of a full and entire recovery which had been entertained in 1788, trusted that they would not shut their eyes to the calculations of probability, and the actual condition of the country. The question was then again carried unanimously in the Lords. In the Commons, Mr Whitbread complained, "that they were called upon not to provide against the serious deficiency in the executive government, but to continue the suspension of the constitution for another fortnight: and upon what ground? what authentic testimony? what recorded evidence? Upon nothing but the bare statement of the Chancellor of the Exchequer, the mere assertion of a member of parliament. Yet upon this ground, the mere vague assertion of an individual, they were proceeding to adjourn for a fortnight, to do without the kingly office for that period, and all this with their eyes open to the alarming state of things, and to their probable consequences. He would not divide the house, because he did not wish to create either jealousy or anger; but as the country was thus deprived of the executive part of the government, he must enter his solemn protest against any measure that would for another fortnight continue to deprive them of the aid and councils of the two remaining branches of the legislature."

Sir Francis Burdett would not content himself with following this course. "The present motion," he said, "was one of the most irrational and unconstitutional propositions ever made in that house. Had he been present on the last day of meeting, he would have

opposed every motion for adjournment. The constitution was suspended, and he would not have agreed to a moment's delay, till that constitution was restored. What principle was this mode of proceeding calculated to establish? Could the public business go on without the executive government? If it could not, why at such a period was it to be deferred? and if it could, were ministers anxious to convince the people that the executive branch of the constitution was a mere nothing? Was there any proceeding more likely to bring that part of the constitution into contempt? Was it not holding it forth to the country as a mere farce? Were the people to be told, that in the votes of both houses only consisted the constitution; that the crown might be placed on a cushion, whilst all its powers and prerogatives were to be left to the discretion of ministers?"

Then having repeated the idle argument, that it was not treating the house with common decency to call upon them to act upon the mere *ipse dixit* of Mr Perceval, he alluded to the proceedings upon the regency in 1788. "The act," he said, "which was then passed by a powerful faction against his royal highness the Prince of Wales, never should have had his sanction; an act that put him into leading strings, that threw him back into the stage of infancy, and made him a sort of constructive lunatic, enacting him incapable of acting or of judging without the co-operation and controul of certain of the legislators; as it were stultifying him this moment, when the next, by the laws of the land, might have raised him to the crown of these kingdoms, and lifted him out of a cradle, to have placed him on a throne. The same course was, he supposed, by a part of the same faction, which had heaped indignity after indignity upon his royal highness, now about to be adopted, as far as in them lay. He would resist it, and if he stood alone, he was determined to divide the house. If the ministers were resolved, at the risk of the country's safety, and at all hazards, to prolong to the utmost limit the tenure by which they held their places and their power, they and others might do so; but he would not go back to the people to tell them, that after the constitution had been suspended for a fortnight, he had voted that it should be suspended for a fortnight longer. A state of anarchy had existed sufficiently long. He would do what he could to restore to the people the government of the constitution."

Mr Tierney and Lord A. Hamilton declared that they would vote against the adjournment. Sir Samuel Romilly spoke of the perilous character of the times, when we might momentarily expect to hear of great national calamities abroad, or of some heavy public afflictions at home. Mr Fuller asked the plain question, what the danger was which could arise from delay? the enemy could not get a ship to sea, nor could their troops beat Lord Wellington. Mr Sheridan said, that on a former occasion, one of the king's first questions, after his recovery, was, whether any parliamentary inquiry had been made into his situation, and it proved the most gratifying thing to his feelings that no such inquiry had taken place. Mr W. Wynn said, he should feel great pain in voting, and should have been much more satisfied, if the mode of protesting had been adopted, as Mr Whitbread had suggested; but as the house was divided, both he and Mr Whitbread voted against the ad-

journment. It was carried by 343 voices to 58.

After this second fortnight had elapsed, a report of the privy
Nov. 29. council was laid before parliament, containing the examination of the king's physicians; all of whom declared it highly probable that he would recover. The Earl of Liverpool then moved for the delay of another fortnight. Earl Spencer, in opposition to this, moved that a select committee should be appointed to examine the physicians: he was strongly supported in this.—Lord Holland requested ministers not to regard him in the light of their opponent, when he cautioned them to pause on the verge of their strange and unaccountable proceedings. A bill of indemnity might screen them from the personal consequences of their rashness, but nothing could rescue the country from the hazard of those perils which were collected and darkening round her.—Lord Grenville spoke with more vehemence. He called the proposal for farther adjournment most derogatory to the dignity of parliament, most hostile to the best interests of the monarchy, and most repugnant to every principle of the constitution. He contended, that they were not yet in possession of any fact which they could constitutionally recognize: for as to the report of the privy council, how had that privy council been convened? without the sanction, the consent, the knowledge, the summons of the king. If such doctrines were to be tolerated, the house would afford its sanction to principles most hostile to those upon which the monarchy stands; and which, though not republican, would lead at once to the establishment of the most odious and detestable form of aristocracy.—56 peers voted for the amendment, 88 with the ministry. The Dukes of York and Cambridge voted with the ministry: The Dukes of Clarence and Sussex with the opposition.

The debate was conducted with more asperity by the opposition in the Commons. Mr Whitbread began. "Even though his majesty should recover," he said, "it ought to be considered that it was the recovery of a man very far advanced in years, and of a man (speaking of him as a man) who must be much more in the power of others than before. The defect in his sight had been alleged by ministers themselves as a reason for refusing access to him on many important occasions. Let the house then duly consider the present situation of affairs, and then let him who could do it vote for the adjournment." Mr Yorke reminded those who dwelt upon the inconveniences of the proposed proceeding, that there were also inconveniences on the other side. "What," he said, "if the regent were to be advised to change the whole system of our foreign policy, to withdraw our army from the peninsula, and refuse all further support to Spain and Portugal? Such a case was possible, and would that be no inconvenience?" Sir Francis Burdett objected to what the minister and Mr Sheridan had said concerning delicacy. "All this," he maintained, "had been introduced irregularly and unfairly, in order to influence the feelings of the house; but it was absurd to talk of delicacy upon great public occasions. It might very well suit the conversation of a tea-table, it might be very fit to be entertained toward the other sex; but when delicacy was talked of in the ordinary transactions of private life, it was only another name for roguery;

and in state matters, the law and the constitution of the country had broken in upon it. Every one knew that several great officers were required to be present at the lying-in of the queen, a circumstance which, in private families, and the humbler walks of life, would be in the last degree indelicate; he hoped therefore he should never hear more of this delicacy."

General Montague Matthew declared, he could not take the simple assurance of any man as to the health of the king; much less could he take the assurance of an interested minister, more particularly one of the present weak and ideotic administration. "Let any one," he said, "look over the way at it, and they must see what kind of a thing it was. It was quite farcical that a great nation should be governed by such an administration. As to ability, they had none; as to character, they had none; as to respectability, they had none; and as to the confidence of the people, they never had and never could expect it! They had only one Scotch county member among them, and not one of them had landed, or indeed any other kind of property. There was no responsibility to be found among them; a parcel of second-rate lawyers and needy adventurers, of desperate ambition, not caring for the fate of the nation, if they could only contrive to keep their places, if they could only contrive to retain their situations and the command of the public purse-strings."

General Montague Matthew was not to be stopped by the repeated cries of order which accompanied his speech. "Knowing," he continued, "as they did, that the third estate was wanting, and having no confidence in the assertion of ministers, he would vote, not only against the adjournment, but for the Prince of Wales being appointed regent, with full regal power during the incapacity of his royal father, and no longer. Upon whom could their choice fall but on this excellent prince,—who could thereby be raised to it by better means—the voice of his country, which well knew, that no one existed so able and likely to reconcile all jars, especially of Ireland, which looked to him with confidence to heal the injuries she had received from the mal-administration of the faction now ruling over them. It was a source of happiness to him and to the country, to know that they had so wise and experienced a prince to supply for the present any defect that had arisen. He recommended to the house to follow the line of conduct pointed out by the constitution—to withdraw the power they enjoyed as speedily as possible from ministers, and to appoint the Prince of Wales to the regency, for which he was destined by the Almighty, from his situation and qualifications."

Mr Wynn required that the house might be put in a situation from which they might be enabled to decide on the ulterior steps that ought to be taken. "In the present state of things," he said, "a single measure might be productive of important consequences to our most essential interests. Should any unforeseen accident happen to Lord Wellington in Portugal, no assistance could be sent to him. Could any money be drawn from the Exchequer, though circumstances might render a supply of money of the most indispensible necessity? Could the privy seal be affixed to the most necessary deed? or could the sign manual be in any case procured?" Mr Bragge Bathurst, replying to Sir Francis and General

Matthew, said "he was willing to give full credit to the statement of ministers; their high situation gave them an opportunity of procuring the most accurate information, and attached to them a responsibility. Next to a strict discharge of their public duty, he thought they should consider the feelings of the sovereign, and he could never agree with those who laughed at the idea of delicacy being used toward him; such delicacy, he observed, was a principle inherent in every good, honest, and loyal subject. It did not apply merely to the person of the king, but to his high office; that delicacy ought to prevent discussions, which might perhaps have the tendency, if they reached the royal ear, of retarding his resumption of the office, which he had so long and so uprightly filled; and the nearer his majesty approached to convalescence, the more likely was he to hear of those discussions."

Lord Milton, Sir T. Turton, and Mr Adam spoke against the adjournment. Mr Ponsonby said he should move for a committee to examine the physicians. Mr Wilberforce observed, there certainly was one sense in which the word of his majesty's ministers in this case was of more value than that of other people: they must necessarily be presumed to be better acquainted with the situation of affairs, and when they stated upon their responsibility, that no injury could arise from the adjournment, he was willing to believe them, and gratify those feelings of delicacy which he was not ashamed to confess he entertained.—The last person who spoke was Mr Fuller. "I," said he, "never trimmed or juggled, and I will not trim or juggle now. I vote for the adjournment on the promises of Dr Baillie and Sir Henry Halford, honest men, as I know them to be; those gentlemen, those honest men, say, that his majesty has at present force of mind and body, and that there is every probability of his perfect restoration to sanity of mind and body. What would we have more? What would we reason on in preference to simple facts, facts stated by the ablest and most virtuous men in the nation Will any man deny them? Will any in this house be base enough to desert our poor, good old man, in his adversity? Bless me from that most poignant of all afflictions! an affliction to which every man, from the prince down to the subject, is liable. Bless me"——Here Mr Fuller was interrupted by a loud laugh, not very creditable to the laughers. "Gentlemen," he continued, "I feel for my king and my country! I never gave a vote against my conscience! I say it on my oath. Now, let you who laugh at me say as much. It may be ridiculous, gentlemen, but I say, whoever rats now and runs away, may the honourable person to whom he runs not receive him! Whoever deserts the old king is the basest of human beings, of human creatures; I care not whether he be prince or peasant; be he prince or peasant that rats, I say, blow him from the earth. I shall now vote for the adjournment, but after it, in case the king's recovery is not complete, then of course I shall agree to other measures. I shall do what the nation expects, but I shall not desert my sovereign now; and I say that man is base who would adopt a contrary line of conduct: it will be mean and it will be unworthy."

Mr Fuller, with all his oddities, has more than once gone straight to the game, while others have only beat about the bush. The house now divided; 233 for the adjournment, 129

against it. Mr Ponsonby's motion was negatived by 230 against 137.

Dec. 13. At the end of the third adjournment, ministers informed parliament, that though a considerable degree of progressive amendment had taken place, and the same confident expectations of his majesty's ultimate recovery were still entertained, yet the immediate state of his health was not such as could warrant them to propose a farther adjournment. Committees, therefore, were appointed in both houses to examine the physicians. These examinations tended to the same point as that before the privy council: the physicians all concurred in expressing confident hopes of the king's recovery. The

Dec. 17. report having been laid before the House of Commons, Mr Perceval moved, "that, on the following Thursday, the house should resolve itself into a committee, to take into consideration the state of the nation; his intention," he said, "was then to submit to the committee three preliminary resolutions, similar to those which were adopted in 1788: the first, relating to his majesty's incompetence to discharge the royal functions; the second, declaring the obligation imposed on the two houses of parliament to supply the deficiency in the executive authority; and the third, regarding the manner in which the substitute for the royal authority was to be provided, by way of bill. On these points it was indispensably necessary that each house should know the opinion of the other, before either could submit to the other the precise method which might be deemed most expedient to meet the exigency of the occasion."

Upon this Mr Ponsonby declared, "that on the third resolution the minister must expect from him the most strenuous opposition. He for one would never consent, by an imitation of the proceedings in 1788, to offer a fresh violation to the fundamental principles of the British constitution." Mr Sheridan said, "there were two objects which it was indispensable to effect; the one was to supply the deficiency in the regal authority, the other to do this with the fullest security to his majesty of the restoration to him of his undiminished rights, whenever the prayers of the nation should be answered by the restoration of his health. These objects might be obtained by a mode more simple, more secure, and more constitutional, than that which Mr Perceval suggested. There was a precedent which, since the union with Ireland, it was equally proper for that house to look up to; the precedent of the Irish parliament in 1788, which voted an address to the Prince of Wales, requesting he would be pleased to take upon him the government of the realm, and expressing the confidence of both houses of parliament, that the prince would consent to exercise and administer, according to the laws and constitution of the kingdom, all regal powers, jurisdictions, and prerogatives to the crown and government thereof belonging. At the revolution, the representative convention proceeded upon the same wise principle; they addressed the Prince of Orange, expressing their desire that he would take upon him the sovereign power, for the preservation of the religious rights, laws, and liberties of the subject. That mode of proceeding which had been adopted by the best patriots, in order to maintain the rights and privileges of the people, might surely be again resorted to, in order to maintain the rights

and privileges of the sovereign. By pursuing such a mode, the most hearty unanimity would be secured; the character of the royal power would remain undegraded; no unmerited stigma would be cast on the Prince of Wales, and the principles of the constitution would be preserved pure and inviolate." Mr Adam argued to the same point. "He was perfectly convinced," he said, "that address was the true constitutional course of proceeding; that all limitations of the prerogative were unconstitutional; that the prerogatives of the crown were trusted for the benefit of the people; and that they could not, in the person of a regent, any more than in the person of a king, be abridged, impaired, or limited, in one single point, without a violation of that most sacred principle."

The Earl of Liverpool gave the same intimation in the House of Lords, and Earl Spencer gave notice of the same course of opposition; saying, "that to proceed by a legislative measure was contrary to the constitution, inasmuch as they ought first to supply a third estate, the exercise of the authority of which was now unhappily suspended." Lord Grenville begged leave "to correct this error into which his noble friend," he said, "he was sure inadvertently had fallen, in calling the sovereign power of this country the third estate of the realm. He had heard the expression with the more concern, for it was an error which was too prevalent, and which had a tendency to misrepresent and degrade the monarchy. The nobility, the clergy, and the commons represented in parliament, were the three estates of the realm, and the subjects of the sovereign head, the king." Lord Grenville then said, "that however painful it was to him to differ from his noble friend, every principle of duty, and every suggestion of reason, united to impose on him that disagreeable necessity. More than 20 years had now passed since that period when he first stated his sentiments on this momentous question; many of them he had passed amid the active cares of public life, and others he had spent in, he trusted, not indolent retirement. He had since often and deeply considered the opinions which he had then avowed; he had regarded them as affecting every possible situation of public affairs, and brought to their review all the aid which the light of reading and research could afford him. The result of this reiterated and unwearied application of his attention served not merely to confirm, but to strengthen to the utmost degree what had then been the persuasion of his understanding. He believed he possessed sufficient manliness to be superior to the false pride of obstinately adhering to opinions which he was conscious had been refuted or disproved. No influence springing from recollections of this nature,—no bias arising from affection (and he should be unworthy of the name of man were he insensible of such an affection) to the memory of his departed friend, who conducted the precedent of 1788, would operate to deter him from openly retracting an erroneous sentiment, and from confessing the change which had taken place in the honest conviction of his mind, had such a change actually happened. Every argument, however, which he had heard, only tended to convince him that it was by legislative provision only that any steps could be taken for supplying the defect of the royal authority, whenever such defect was regularly authenticated to exist."

On the following evening the report of the committee was laid before the House of Lords, and Lord Holland rose to take that opportunity of asking for some information from ministers. "There must necessarily," he said, "be points of the greatest importance pressing for the decision of the executive government, whilst unfortunately the competent authority to sanction a decision upon any such points was altogether suspended. Sweden had commenced hostilities against this country. If the executive power of the country had been in a state of activity, some measure would have been adopted respecting Sweden, either to have actually commenced hostilities, or to have issued some proclamation, declaring the mode of conduct to be adopted in consequence of the hostile measures resorted to by her. He might be told, that ministers acted upon their responsibility on the necessity of the case, but, in the present circumstances of the country, he thought that species of responsibility a great evil. Common fame also reported, that intelligence of considerable importance had been received relative to the state of affairs in South America, from Buenos Ayres, highly interesting to this country, and deeply affecting the interests of the peninsula, and which required a prompt determination on the part of the executive government. With respect to the situation of affairs in Portugal, at a former period, when he was more sanguine than at present as to the event, he approved of the conduct of ministers in sending reinforcements to Lord Wellington; and if he had had the opportunity, from parliament being sitting, he should not have hesitated to express that approbation. He was less sanguine now in his hopes of success in Portugal than he was then; but if, at the time he was most sanguine, he approved of sending reinforcements to Lord Wellington, so much the more now must he deplore the withholding of reinforcements from that eminent commander, in consequence of the present melancholy suspension of the executive power. The noble earl (Liverpool) shook his head; was he then to understand that reinforcements were not withheld? if so, by what power were they now sent? There was another point of the greatest importance, upon which he desired information, and which pressed for the decision of the executive power. By the recent measures taken in America, the executive government were called upon, either promptly to revoke the orders in council unconditionally, or to declare upon what condition they would or would not revoke them. It was of the greatest importance to that house and to the country, that the officers of the crown should explain in what state those vital questions were which now pressed for the decision of the executive government."

Lord Liverpool replied, "he was not aware of any material injury to the public service by the delay in question, nor was he aware that ministers had abstained from any acts, from which, under other circumstances, they would not so have advised his majesty to abstain; and with regard to those measures which the safety of the country might require, they would, with whatever risk it might induce to themselves, do that which they deemed most conducive to the safety, honour, and interests of the country, leaving it to the justice of parliament to consider of and decide upon the grounds of their justification." This reply was not re-

ceived as it ought to have been. Lord Holland made answer, "It was highly proper that indemnity should follow statesman-like measures, called for by necessity, and required to insure the safety of the country; but those who had assumed the functions of the executive power, could not be entitled to indemnity for measures rendered necessary by a delay which they themselves had caused, or for any calamitous consequences which might result from their wilful neglect of the means to remedy the existing deficiency in the functions of the executive power." In the same tone the Duke of Norfolk observed, "that if it were, as Lord Liverpool had stated, that no inconvenience had resulted from the suspension of the executive power, then had ministers in effect taken the sovereignty into their own hands. There was nothing to prevent them, upon this principle, from issuing declarations of war, or concluding treaties of peace; and he begged the house would consider the degree of power which these persons had arrogated to themselves, and then say whether they were content to allow them to remain in possession of it."

Dec. 20. On the day appointed, the House of Commons resolved itself into a committee, and Mr Perceval submitted to its consideration three resolutions: 1. the first stated, that his majesty being prevented by his indisposition from attending to the public business, the personal exercise of the royal authority was thereby suspended; 2. the second, that it was the right and duty of the lords spiritual and temporal, and commons of the united kingdom now assembled, and lawfully, fully, and freely representing all the estates of the people of this realm, to provide the means of supplying the defect in the personal exercise of the royal authority, arising from his majesty's said indisposition, in such manner as the exigency of the case might appear to them to require; 3. the third, that for this purpose, and for maintaining entire the constitutional authority of the king, it was necessary that the said lords spiritual and temporal, and commons of the united kingdom, should determine on the means whereby the royal assent might be given in parliament to such bill as might be passed by the two houses of parliament, respecting the exercise of the power and authorities of the crown, in the name and in the behalf of the king, during the continuance of his majesty's present indisposition. Mr Perceval then stated what were the ulterior propositions which he meant to bring forward: they were, that the Prince of Wales should be appointed regent, to administer the affairs of the country, in the name and in the behalf of his majesty, during the continuance of the king's indisposition; that the entire care of the king's person should be intrusted to the queen; and that due provisions and precautions should be introduced into the bill for notifying the king's recovery, whenever that event should take place, and for chalking out the course which would effectually enable his majesty to resume his royal functions with his former dignity and authority. The operation of these three provisions were to have no limit assigned in point of time, except the duration of the king's disorder. The bill which he meant to propose would contain certain provisions, limiting and restricting for a time the use of some of the powers and prerogatives of the crown.

"Taking into consideration," Mr

Perceval said, "the evidence of the physicians and the opinion of the late Dr Willis, the most experienced practitioner in this species of disease, as delivered by him in 1788, it might perhaps be concluded that six weeks or two months was the shortest period at which it was reasonable to expect a complete recovery; that five or six months ought to be the average period of such an expectation; and that twelve or eighteen months was the extreme point of time to which it was likely that his majesty's malady might be protracted. Taking into their serious consideration the probability of the king's recovery at no very distant period, there was no question but that the house would think it necessary to provide by the bill for his immediate and complete return to power in that event. The period which he would recommend, was about a twelvemonth from the time at which the bill might pass, and he should recommend that the restrictions should be introduced for that period, due care being taken that they should expire at a time when parliament shall have been sitting for at least six weeks, in order that, if it should then be thought necessary, the subject may be reconsidered, or if not, that the restrictions and qualifications may expire under the knowledge and within the view of parliament. The house, he trusted, would agree with him, that for such a period the power of granting any rank in the peerage might without much inconvenience be suspended; and that all grants of offices and pensions, except such as are necessary for the public service, should be granted only for the term of the regency, subject to his majesty's pleasure on his recovery. He should propose also, that the queen should have the controul of the personal establishment of his majesty's household for twelvemonths, in order to enable her to maintain the splendour of the royal establishment; and that, after that time, all the regulations connected with that subject should expire, unless parliament, upon a general view of the subject, might think proper to restore to her majesty some portion of them, for the purpose of maintaining the royal dignity."

Mr Perceval then spoke of the precedent of 1788. "In the year 1788," said he, "his majesty was afflicted with the same calamity as that which has now so unhappily befallen him. In the year 1788, parliament had the same duties to discharge as parliament have now to discharge, and they discharged those duties then in the way in which I propose that they shall now be discharged. A necessity was then manifested for the establishment of a regency. The two houses of parliament consequently assembled, and the great seal was put to a commission for holding a parliament, under the direction and by the authority of both houses. Parliament was opened by virtue of that commission, and proceeded to supply the deficiency in the executive authority by a regency bill, which was carried forward nearly to its termination. During that period other ordinary parliamentary proceedings went on. They were proceeded in while the regency bill was pending, and were completed and concluded after the restoration of his majesty. Thus it appears, that the question at issue was decided not only by the two houses of parliament, but by the whole parliament assembled. On his majesty's recovery, he, by his commissioners, came down to parliament. Did he revoke or annul their previous proceedings? Did he disclaim their interference? Did he declare that

the great seal had been usurped by those who had applied it to the former commission, or that it had been improperly used? Did he accuse the two houses of abusing their authority? Did he deny the validity of the acts which they had passed? No: directly the contrary. His majesty, by his commissioners, was present in the same session. He put no end to the session held during his illness, but referred distinctly to the instrument under which their previous sittings had been held. To attest the cordial confirmation given by the king, on his recovery, to the use which had been made of his prerogative, it is sufficient to appeal to the speech delivered by those commissioners. 'His majesty,' they said, 'being, by the blessing of Providence, happily recovered from the severe indisposition with which he has been afflicted, and being enabled to attend to the public affairs of his kingdom, has commanded us to convey to you his warmest acknowledgements for the additional proofs which you have given of your affectionate attachment to his person, and of your zealous concern for the honour and interests of his crown, and the security and good government of his dominions."

Mr Perceval next spoke of the method which his opponents proposed, and which, by a single vote, would transfer the whole regal authority. "Am I to understand," said he, "that the proposers of the address are willing to transmit the whole power of the crown, without limit, qualification, or reserve; or that, in this mode of legislating by address, it is intended to specify any limit or qualification in the body of the address? It appeared to me that I received the universal assent of the committee, when I said, it was necessary to provide means by which his majesty might be enabled to resume the royal authority on his recovery. Are we to make a regent without such a provision? Are we to leave him to advisers who may mislead him? for regents may be misled as well as kings. Are we then to leave all those points solely to the wisdom and consideration of the regent's advisers? Would this be a fair execution of our double trust? Would it be a fair execution of that part of our trust, by which we are bound to secure to his majesty, on his restoration to health, the restoration of his undiminished authority? No one will suppose that I mean any thing incompatible with the utmost possible respect for the character of the Prince of Wales. But let me remind those who are now willing to entrust immediate power into the hands of his royal highness, in the strict confidence that that power would not be abused, what have been their sentiments on similar subjects. If it were a question which related to his royal highness's character, I would say, let those gentlemen appreciate that character as highly as it deserves to be appreciated; let them exalt it as highly as their imaginations will permit them; the higher they establish, the higher they raise his royal highness's character, the more cautious we ought to be not to establish a precedent of power devolving into the hands of an officer, not from a consideration of the difficulties which would attend a just limitation of that power, but from the merits of the individual on whom it is conferred. In proportion as those merits are distinguished, ought we to be cautious in our proceedings, lest we legislate beneficially, perhaps, for the present age, but, for what we know, most injuriously for future ages. If in a future period of the

British history, the monarch should be afflicted with a calamity similar to that which his majesty is now unhappily enduring, and if the apparent successor to the throne should be of a character the reverse of that of his royal highness, how invidious, how dangerous, would the duty of parliament become? With such a precedent, they could not deny that it had been deemed wise, in a similar case, to invest the heir apparent with full and immediate power; they must, therefore, be driven broadly to state, that that which was wise in the reign of George III. would not be wise in the period at which they lived. I challenge any person, therefore, to show that character will justify a departure from the principles of wise legislation, whatever may be the opinion of other persons upon other parts of the subject, whether they consider the restraints as too many or too few."

Mr Perceval's first resolution was carried unanimously. When the second was put to the vote, Sir Francis Burdett rose and said, "It was perfectly impossible for him to concur in any resolution which, speaking of the present parliament, called it 'the lords spiritual and temporal, and commons of the united kingdom, lawfully, fully, and freely representing all the estates of the people of this realm.' This he would ever strenuously deny, and especially as applied to this parliament, whose conduct had put parliament itself in this predicament, that it had lost its former credit with the nation." After more of this, his usual strain, which produced nothing but disapprobation in the house, and could produce nothing but mischief out of it, in that part of the community to which in reality it was addressed, Sir Francis said, "The plan to which Mr Perceval would fain persuade the house, was to make him governor of the country, and to let him put the crown in his pocket. Mr Paine, writing about monarchy, had asked, whether it was a metaphor, a trick, or a cheat? What would Mr Perceval say in answer to such questions? Would he tell them it was useful and necessary? Would he say what were its services? What answer would he make? He showed, by his conduct at least, that it could be done without. The whole of these proceedings bore, and must bear to the people, the appearance of a fraud and a sham. If the Chancellor of the Exchequer could persuade the house to remain so long without a king, and then make one for his own purpose, how could he avoid the infallible conclusion drawn by some persons unfriendly to the constitution of this land? A committee had been appointed to report upon the number of sinecures; upon Mr Perceval's plan, illustrated by his conduct for the last two months, he might as well refer the highest office in the state to that committee. But far different opinions, indeed, do I," pursued Sir Francis, "entertain of the use and dignity of the office of king: the king ought to be a great and efficient magistrate, and it would be little less than treason to the constitution and the country to go on passively as we have done for some time, or for me to refrain from the declaration of my opinion on this important occasion. What signifies it to the country by what names and distinctions physicians call or define delirium and insanity, and so forth? Is it, I will ask, fit or safe that when the king is incapacitated by either, such a state of government should go on, vacillating from time to time, ministers sometimes concealing the facts

from the public, and at other times unable to conceal them? It would be a species of treason to suffer the government to continue longer in such a state. The first resolution is unfortunately too clearly true. To the second I have stated an insurmountable objection, because it contains a false assumption respecting the character and composition of this house. To the third I object entirely, because I consider it to be contrary to the fundamental principles of the constitution. Against these two resolutions I shall give my vote, and I enter my solemn protest against the whole of these proceedings, as miserable shams and pretences, as aiming a mortal stab at the constitution of the country, and making an oligarchical House of Commons, varnished over with forms, to govern the country."

The second resolution was passed with only Sir Francis Burdett's dissentient voice; but that voice, no doubt, was echoed in pot-houses and tap-rooms, and in the club meetings of journeymen manufacturers, whom it was equally calculated to mislead and to inflame. Mr Ponsonby began the opposition to the third resolution. "The mode proposed," he said, "was to supply the mental incapacity which existed by a bill,—an act which implied the assent and consent of the three branches of legislature, and of that very branch whose incapacity rendered it necessary, and on which incapacity it rested as the ground for its necessity!—It was an act by the commons and by the lords, directing, by their authority, the royal assent to be given to that public instrument, by which the king was declared incapable of the exercise of regal authority! It was, indeed, to make incapacity capable, to make insanity rational, and to call on the monarch, whose powers were suspended, to declare his successor till such time as it might please Providence to restore them! Were they themselves then rational? Were they capable? Could they then be in possession of their sound senses if they yielded to such a proposition? Never let the greatest advocate for protestantism, never let the most captious censurer of the catholic religion, call transubstantiation a fallacy; for it was no greater mockery in the priest to declare that to be true, against the evidence of the senses of the people, than for a grave legislature to affect to procure an assent from one declared to be incapable of giving it!"

Concerning the restrictions, Mr Ponsonby argued, that "it was just as possible to adjust them afterwards, when the parliament was complete by the revival of the royal functions; but if, at forty-eight, the Prince of Wales was incapable of being intrusted with the direction and full powers of the government, he would never, he feared, be fit for the throne. If he were such a person as to cause the house to suspect him now, they ought not to be content with restrictions, but to exclude him at once from the succession to the throne. But in addition to the impropriety of such restrictions, as affecting the apparent heir to the throne, the impolicy of them, with respect to the public welfare, was also to be taken into view. For at what time were they to be imposed? Was it of profound peace? Was it of easy management? Was it of no danger? Was it of no burthen, when they would create and be satisfied with a crippled government, at this time when a government too weak was almost certain ruin? Mr Perceval had expatiated upon the blessings

enjoyed by the country for a reign of more than half a century. But could they compare their present situation with what they had formerly enjoyed, and find so much for gratulation and triumph as he had done? Were they in prosperity, in ease, in tranquillity? Were they free from danger at home or abroad, or could they contemplate on the ministerial bench men of splendid talents, sufficient in this awful emergency to command the confidence, to guide the counsels, and direct the energies of the state? Could they be satisfied that such men were fit to be intrusted with the destinies of the nation in times of so much peril, difficulty, and danger? He dared to say the right honourable gentleman considered himself as one of those blessings of the reign he had so panegyrized, for which they were bound to be so thankful, and that his bill to continue the blessing of his government a little longer would be another! For himself, he could not say that he felt any gratitude to him or to his colleagues for the great services they had rendered the country. They were not so splendid but they might be dispensed with; and he would boldly say, with all that respect and admiration for the king, expressed by the right honourable gentleman, that he should think the day of his departure from power the best day the country ever saw!"

In this discourteous strain, unprovoked as it was by the occasion, and by the individual to whom it was addressed, did Mr Ponsonby wind up his speech. He concluded by moving, in the shape of an amendment, an address to the prince, requesting that he would assume the sovereign authority during the king's indisposition, and no longer, under the title of Regent of the United Kingdom. Mr Ponsonby, like Sir Francis, had dwelt upon the proceedings at the revolution as a precedent, and he had referred to those at the restoration also. Upon these points he was ably answered by Mr Canning. "In the circumstances of the restoration," he said, "there was no similitude to the present case; we had no right to adjudicate, no violation to repair; we were not about to create a power, but to supply a temporary defect in the exercise of it: both houses, in that instance, did what was necessary in the circumstances of that particular case, and nothing beyond it; in this we should do well to follow them: but they held out no other light which could be of use to us on the present occasion. The precedent of the revolution was as little to the point, and yet some gentlemen carried their notions of the deference which was due to it to a ludicrous extent; they would have us imitate not only its main scope and action, but even its accidental defects, and would have us create to ourselves deficiences for the sake of making the copy complete. Thus Mr Ponsonby had said, that there was no use made of the great seal in those acts of the revolution, by which King James was declared to have abdicated the throne, and the Prince of Orange was called upon to take the government into his hands. Certainly there was not; for how could such an attempt succeed, when there was no king in whose name the great seal could be used; when the executive power was not merely suspended in its functions, but rendered null by the absolute exclusion of the king, and the total want of the royal authority? Besides, there was a farther practical difficulty in affixing the great seal to any commission or act, as at that moment the great seal

was at the bottom of the Thames. Sir F. Burdett," continued Mr Canning, "carries this principle still farther. He is so attached to the revolution in all its parts, that he finds a great defect in that particular of our situation, which to ordinary observers would appear a considerable, though to be sure only an accidental advantage. At the time of the revolution there was no parliament sitting. The honourable baronet, therefore, finds that the first address to the prince of Orange was voted, not by the parliament, but by an assembly of persons, to which a deputation of aldermen and common-council of the city of London had been discreetly called, to give their assistance and advice. In the warmth of his zeal for the precedent of the revolution, he seems to think that the accidental circumstance of an existing parliament should be got rid of without delay; that we should immediately abdicate our authority and dissolve ourselves at once, for the sake of assembling another body of representatives, who should have the benefit of advice and assistance from the lord mayor, aldermen, and common-council of the city of London. It is surely a singular remedy for the unfortunate incapacity of one branch of the constitution, to proceed unnecessarily to incapacitate the branches which happily remain entire. It is surely a strange application of precedents to contend, that because at the time of the revolution there happened to be no parliament (and that there was none, by the way, was one of the grievances which produced and justified the revolution,) because, in order to procure the semblance of a parliament, it was then necessary to collect the scattered fragments of former Houses of Commons, of a former reign, and to eke out their numbers with a deputation from the aldermen and common-council of London; therefore a parliament actually existing ought to be dissolved, or rather ought to dissolve itself, (for I know not what authority there is to dissolve us,) merely that there may be one feature more of resemblance between the revolution and the present time. I prize the blessings derived from the revolution, and respect the authority of those who conducted it, as highly as the honourable baronet, or any other man: I think the proceedings of that time wise, and just, and necessary; but because they were necessary, therefore just and wise. But I do not think it an indispensable proof of my value and veneration for that illustrious precedent, that I should consider it as a rule for all occasions; that I should think the example of revolutionary times applicable to quiet times; and should consent, in the language of one who said all things well on these subjects, Mr Burke, 'to make the extreme medicine of the constitution its daily bread.' The present case has difficulty enough, but it has nothing of revolution in it."

Mr Canning then, professing his adherence to the principles upon which parliament had acted in 1788, argued that if no great benefit were to be obtained by the abandonment of a recent precedent, it must be productive of no inconsiderable evil; for it would throw loose to all succeeding times a question, which we even now perceived the inconvenience of having to discuss on conflicting authorities, and by remote and disputable inferences; whereas if that precedent, as far as it was then completed by parliament, were adopted now, the question would be settled for all time to come. To the mode of proceed-

ing by address, there was one objection which appeared insuperable. "I cannot conceive," said he, "how we can satisfactorily, to our own sense of duty, provide for the care of the king's person, and for the resumption of his authority in the happy event of his convalescence, otherwise than by bill, and by a bill which shall precede the actual investiture of the sovereign power in any other hands. We are providing for all future times and all possible cases, and we should not do our duty fully, if, even in an instance where, without any special provision, we might rest assured that the objects would be accomplished, we yet were not to take, upon a strict and abstract view of the case, the best security that the case admits; that is, the security of parliamentary enactments. But as this is the only provision in the nature of limitation or restriction, (if it can properly be called either) which I think cannot properly be made except by bill, so it is the only one which I should wish to see, under the circumstances of the present times, attached to the exercise of the powers of the crown, in the hands in which we are about to place them, or in any hands in which it is fit that they should be placed. Respecting as I do the precedent of 1788, so far as it rests in principle, and is established by authority, I do not conceive all parts of all that was proposed on that occasion to be of equally permanent obligation. What depended upon the circumstances of the time, the change of circumstances may naturally vary. And I own I cannot conceive a period less favourable than that in which I am now speaking, for the abrogation, or suspension of any of the legitimate powers of the crown. If I doubted the expediency of such an experiment before this night, I have heard this night enough to convince me of its inexpediency, when the honourable baronet asked, why, if such powers, as it is proposed to suspend, can be dispensed with for a limited time, they should not be dispensed with altogether? I do not quarrel with the justness of his reasoning: but I content myself with observing, that in 1788 there was no party in this country which would have been prepared to apply and to act upon this inference. I will now only add," Mr Canning concluded; "that I have formed my opinion upon this point upon the best deliberation that I could give to it, without concert or understanding with any party, or any set of men whatever, and with no other object than the consideration of what may be best for the public service. Having formed this opinion, I have thought it candid and honest to avow it undisguisedly on the first mention of the subject of restrictions in this house; and while I may yet hope, perhaps, that the decision of those who have the conduct of this measure is not finally and unalterably made up. I am not one of those, who think the executive power in this country too strong; or who think it can be weakened, in whatever hands, without disadvantage to the public interests."

Earl Temple, taking the same ground as Lord Grenville, argued against proceeding by address, but, like Mr Canning, reserved himself upon the specific points of restriction, asserting that, in times like these, the country could not be saved by any thing short of royal authority. Mr Adam objected to the restrictions. "The whole of the prerogatives of the crown," he said, "were public trusts, conferred for the benefit of the people, and could not be done away with,

or infringed upon, without essential detriment to the public service. The proposition of withholding from the regent the power of creating peers for a year, and until six weeks after the meeting of parliament, appeared to him pregnant with consequences of the most disagreeable nature; for it brought the prerogatives of the crown to be discussed in parliament; and it might absolutely happen, that the upper house, from an idea of preserving their own powers and privileges, by preventing any increase of their numbers, might continue this restriction *ad infinitum*. Upon the whole, the sooner the house got into the regular march of the constitution the better, and this would be best done by Mr Ponsonby's proposed address."

Sir Samuel Romilly, taking the same side of the question, argued after the manner of Sir Francis Burdett. "He could not look upon the precedent of 1788," he said, "in any other light, but as a fraudulent trick. In matters of civil life, what would be said of a set of men joining together, and making a contract for another in a state of insanity, and employing a person as his solicitor, to affix his seal or his signature to such a deed? Should we not say, that such a deed was a gross imposture, and absolutely null and void? The application to the present case was easy and obvious. And if the two houses could proceed to one act of legislation, why not to others? Why should they not make war or peace, lay on an embargo, or exercise any other act of sovereign power, and then say it was the pleasure of his majesty, because the two houses thought proper to do it, and to command the sanction of the great seal?"

Mr Horner argued for the mode of address, in a long and laboured speech, which called forth a compliment from Mr Croker, not more, he said, for his ingenuity in choosing the topics, than for his prudence in wholly avoiding those which constituted the chief difficulties of the case; for, according to his view of the subject, there were no difficulties attending it, and we had a clear, open, and unobjectionable course to pursue. Mr Croker then showed with his usual acuteness, that the mode of proceeding by address only removed what was called the fiction one step farther, getting rid of one difficulty, by substituting others more serious, and more liable to rational and constitutional objections." Mr Whitbread quoted a saying of Massena's, "Give me an army of 100,000 men, and if I invade England, I will either conquer it, or leave it not worth having;" so, he said, the minister seemed to say, "Give me these restrictions, and if I have not the power myself, I will at least make power not worth having." "Why," he exclaimed, "would you tie up the hands of the executive? Why would you attempt to shade the splendour of the throne? Was the splendour of the throne calculated to make the man happy who filled it. Alas! No. It would make no man happy. It existed for the benefit of the nation. Was not the regent completely under your subjection? Could you not annihilate him when you pleased? You made him with the great seal, and with the great seal you could deprive him of his authority. He had no security. Parliament had six weeks for consideration, after the commencement of a session, whether he was again to be continued with the powers with which he was invested. And thus, he was brought as it were to the bar of your house. Whether or no the constitution could go on in

this way, was a question of most serious consideration: It might accidentally turn out well; but we were taking a leap in the dark. If it walked this course for weeks and months, why might it not walk on so for ever? What jacobin ever proposed more alarming measures than these."

Lord Castlereagh replied to Mr Whitbread, after which a division took place, and the third resolution was carried by a majority of 112; 269 to 157. The report of the committee was brought up the next evening, and another debate took place upon the resolutions. Mr Williams Wynn said, "he felt considerable difficulty in stating his opinion, differing as it did from the opinions of those whom he most loved and respected: but he had to decide upon a great constitutional question, and could not give up his conviction in deference to the highest and most revered authorities. He had, however, the satisfaction of knowing, that in the line of conduct which he adopted, he was following the example of one * whose memory he most honoured and revered, and whose name he bore. It would be as absurd to think of providing for giving the assent of the king, whom they had already declared incapable, to the bill, as it would have been to have provided for giving the assent of James II. to the act declaring his abdication. The functions of the executive were suspended, and it was the duty of the house to proceed in the plainest way to supply the defect: that way was to declare the incapacity, and provide at once for supplying it by address." The Hon. William Lamb, Mr Stewart, Mr Grattan, Sir John Newport, Mr Elliot, and Lord Porchester, argued in like manner, for proceeding by address. Mr Stephen, Mr Wilberforce, Mr Yorke, and Mr Addington supported the resolutions of the committee.

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Mr Perceval, after replying with great ability to the various objections which had been brought against the proposed method of proceeding, noticed the reference which had been made to the state of the king in the years 1801 and 1804, when he had two slight attacks of the same disease, as that which at present disqualified him from business. "In both these instances, the fact," he asserted, "was notorious to parliament; and in both, parliament abstained from noticing it." From hence he took occasion to reply to the unworthy manner in which he and his colleagues had been personally attacked. "I contend," said he, "that the delays which parliament suffered to take place, during the proceedings in 1788, and the periods which it allowed to elapse in 1801 and 1804, without noticing his majesty's indisposition, afford a strong proof, that parliament feels so much difficulty and inconvenience, connected with the appointment of a regent, that it will be disposed to pause for a long time before it will take any step for that purpose. I collect that to be the feeling of parliament from another circumstance; namely, that it did not think proper to adopt any measures for establishing a permanent regency, after any of the indispositions alluded to, in case of their recurrence. And it has been in consonance with this feeling, that his majesty's ministers have acted on the present occasion. We have not shut our eyes to the inconveniences that must exist in such a state of things; we are quite as sen-

* Sir William Williams.

sible of them as the gentlemen on the opposite side possibly can be. It cannot be supposed, that we are not aware of all the cases which have been put, where his majesty's servants may be under the necessity of giving directions in his name. We have not been blind to these things. If ministers should find it necessary to take such steps, they would be justified under the particular circumstances of the case; but they would act under a heavy responsibility, and parliament would be bound in duty to examine their conduct afterwards. I am deeply convinced, that I stand in a situation of as deep responsibility as ever a minister stood in: it is a double responsibility, a responsibility to the public, and a responsibility to the king my master. I feel that to be our situation; and parliament must have felt it so too, in suffering the delays that have already taken place. Gentlemen opposite may put what construction they please upon what I am about to say; but I do contend boldly before parliament, and before my country, that if, under the circumstances I have described, any measure, in any of the public departments, required the sign manual, the officer at the head of that department would act most culpably if he did not issue the necessary orders to his inferior, upon his responsibility. This is the view I have of the situation and of the duties of his majesty's ministers; and although gentlemen on the other side have thought proper to insinuate that our measures have been influenced by a desire of retaining our offices, I am sure the house will not be of opinion that our situation is particularly enviable, or one that could by any possibility be an object of choice. We feel—we admit—all the inconveniences of the present state of things; but, considering the duration to be but short, are they in any degree equal to the inconvenience of appointing another person to execute the functions of the sovereign; or, in other words, of appointing a regent, unless the necessity of the case absolutely requires it? It is not from feelings of delicacy only that his majesty's ministers have acted, but from the conviction that the preserving to his majesty the power of exercising his authority immediately upon his recovery, without the interruption of a regent, would be a great national advantage. The regent, when appointed, would of course act as he thought best for the interests of the state, and even admitting that the plans which he would adopt would be better than those now pursued, yet I contend, that this change from a bad to a better system, with the probability of again shortly recurring to the old system, would be much more injurious to the welfare of the public, than the inconveniences which have been so strongly urged by the gentlemen on the other side of the house.

"In enumerating the inconveniences of our present situation, the cases of Sweden and of America have been adverted to, and the state of our relations with those countries. It cannot be expected that I should now give any particular information to the house, with regard to our present situation with those powers; but I can undertake to say, that no inconvenience whatever has arisen with regard to either of them. The delay which has taken place, has been no covert delay: it has been perfectly open, and the reason why it was asked, was fairly stated. We have had no disguise, no subterfuge; our object was broadly and fairly stated to parliament. Sir, I say again, that ministers feel deep-

ly the heavy responsibility of their situation: they know that their conduct will necessarily be examined and scrutinized by parliament; they know that they may have to request justice from parliament for their conduct, at a time when those who are now censuring their conduct with so much acrimony may possess a greater sway than they do at present. Is such a situation, then, a desirable one? Is it an object of ambition? Is it possible that any man, or set of men, can covet such a situation, or wish to retain it, except from the imperious sense of the duty which they owe to their sovereign and to their country? That duty I will perform to the best of my humble abilities, and cheerfully submit my conduct to the justice of parliament and of my country.

"It has been asked, whether, if under the present circumstances, the evacuation of Portugal were deemed necessary, any order could be sent out to Lord Wellington for that purpose? And do gentlemen really believe that any difficulty exists upon such a subject? Do they really believe that Lord Wellington would refuse to obey an order transmitted to him, by his majesty's secretary of state, for that purpose, merely because he had heard of the king's indisposition? Undoubtedly they do not: the case they have put is then an imaginary one. Sir, in the office which I have the honour to hold, money must be taken out of the Exchequer for the public service; it is the bounden duty of ministers to see that service performed; and do the honourable gentlemen opposite think that I would hesitate to draw the money for that purpose?"—Here a loud cry of Hear, hear! was raised from the opposition bench.—"Sir," pursued Mr Perceval, "I am unable to account for the distinction which the gentlemen opposite appear to me to make between the two cases which I have put. When I said that ministers would not hesitate to give orders for the evacuation of Portugal, if it were deemed necessary, they seemed, by their silence at least, to acquiesce in what I said; but when I spoke of applying the money voted for the public service to the public service, they affect great astonishment, as if the principle of the two cases was not the same. But do they think that where money has been voted by parliament, and ordered by parliament to be applied to a particular service, that I would hesitate to have that public service performed, for fear of the responsibility that would attach to me? Do they think that I would endanger the best interests of the country, from any consideration of personal danger to myself? Do they think that I would risk a mutiny in the army or the navy, rather than take upon me the responsibility of issuing their pay? No, sir, if I could be guilty of such conduct, I should be unfit indeed for the situation which I hold; I should be guilty of a base dereliction of my duty to my sovereign and my country."

After this manly appeal, which, however it might be lost upon those persons to whom it was immediately addressed, was not lost upon the people of England, Mr Perceval noticed some questions which, in the preceding debate, had been put to him by Mr Whitbread, requiring to know at whose desire one of the king's physicians had been sent for, and whether the presence of that physician was not disagreeable to his majesty. "With respect to these questions," said he, "I hope I shall be pardoned if I say

that I will not answer them unless commanded by the house, because I cannot conceive any good that could by any possibility arise from giving the information required."

To this part of Mr Perceval's speech, Mr Whitbread, desiring it might be recollected that he was forced to the necessity of an explanation, replied, that he would figure to himself a possible case. "What," said he, "if a man, and that man a king, in a state of two-fold blindness, bodily and mental, stretched on the bed of affliction, with his remaining faculties alive to the dread of being committed to the care of an individual personally obnoxious to him, should most fervently implore, and that his afflicted family, placed around his bed, should all unite in the supplication, that he might not again be subjected to his controul? Can the house figure to itself a case of greater misery? And what, I ask, must be the feelings of those who could refuse such a supplication? And is it not more natural to suppose, that the malady of the patient would be increased, rather than alleviated, by the presence of the person so obnoxious?" It was so impossible that this could be true in the manner in which it was thus represented, that the representation called forth no answer, and excited no attention in the public. This, however, was not the only extraordinary part of Mr Whitbread's speech. "Would to God," said he, giving way to a vehemence which was never more unhappily indulged; "Would to God, that every member of the united parliament of England, Scotland, and Ireland had been present to have heard the speech in which the right honourable the Chancellor of the Exchequer has proclaimed his possession of the royal attributes, and has boldly and arrogantly triumphed in the usurpation! Would Mr Pitt in the plenitude of his power have ventured upon such declarations? Would he have dared, in the face of the House of Commons, to tell the nation that, in any interruption of the functions of the sovereign, he and his colleagues would assume the controul of the public purse, and that the rights of the king descended to his servant? He would not: and shall it be endured that the Chancellor of the Exchequer of the present day should invest himself with powers subversive of every principle of the constitution—that he should assume to himself the application of the public money when and how he shall think proper, and, upon a pretended responsibility, trample upon that throne which he is sworn to support? If the right honourable gentleman were to do an act for which there existed an unavoidable necessity, and was afterwards to come to parliament and state that necessity, I trust, notwithstanding our political hostility, that I have justice and magnanimity enough in my nature to give my sanction to a bill of indemnity for such an act. But the cases which he has alluded to are not cases of necessity; and as the right honourable gentleman has this night discovered so much arrogance and presumption, I pledge myself to scrutinize every act that he may venture, with more than ordinary rigour. Never, in the whole course of my parliamentary life, did I witness such unprecedented boldness! But we are told that the subordinate officers of the Exchequer, and the other branches of the state, would not dare to refuse the unauthorized mandate of the Treasury. The right honourable gentleman may 'call spirits from the vasty

deep, but will they come when he do call for them?' He may order them to obey his instructions, but could he punish them for disobedience? Have those officers no positive duties to perform? Have they taken no oaths? Or are their consciences in the possession or at the controul of the Chancellor of the Exchequer? Let me advise him not to be too presumptuous: he may possibly find himself under a delusion. This great minister, who has led us to commercial prosperity and military renown, may, however, possibly find, from the splendour of his career, willing instruments in every department to uphold the power he has wantonly usurped. From the repeated impunity which every violation of our interests has met with, we have become so familiar with outrage, that very possibly the minister of the present day may be able to effect that, which if Mr Pitt, in 1788, with a whole nation at his back, had done, he would not have been suffered to continue in the direction of public affairs one day longer. The object of the right honourable gentleman, in introducing a bill into the house, is evidently for the purpose of delay; but I hereby give him and the house notice, that if, in the interval between the present period and Monday se'nnight, his majesty should not recover so completely as to resume the royal functions, if no one else will institute such a proceeding, I will myself move to take into consideration the best means of supplying any future deficiency in the royal authority that may unfortunately occur. The right honourable gentleman, and the knot of lawyers by whom he is surrounded, must not be thus allowed to devise modes of cheating us out of the constitution. For myself, sir, having sworn allegiance to his majesty, and entertaining no anti-monarchical sentiment in my bosom, I would die rather than submit to the usurpation proclaimed this night by the right honourable gentleman opposite."

Mr Adam followed with more moderation in the same course of argument, and dwelt upon the dangerous consequences which were to be apprehended from a system of prospective responsibility. "Bold as Mr Perceval's doctrine was," he said, "it was worthy of observation, that whether from a difference as to strength of nerves, or as to prudence, there were others in the same cabinet who were not so forward to hazard the same responsibility. He knew of his own knowledge, that the Chancellor of England would not put the great seal to a commission of the peace." Mr Perceval, replied, "this could easily be accounted for; there was always a commission of the peace existing, and it was not of great consequence whether one, two, or more names were added. But if there were serious occasion for putting the great seal to a commission, such as the suppression of a mutiny, he was much mistaken in his noble and learned friend, if he would hesitate a single moment to affix the seal." Mr Perceval then begged that he might enter into a short explanation in consequence of what had fallen from Mr Whitbread. "That gentleman had expressed himself perfectly ready to grant him an indemnity for acts of absolute necessity; now all that he had said was, that he thought during the delay which was now unavoidable, all those who held offices should discharge their duty to the utmost upon their own responsibility. The honourable gentleman had, however, charged him with as-

suming a bold and arrogant tone. To be sure," said Mr Perceval, "I am a bad judge of my own defects, but, as far as I know myself, I do not believe that improper boldness or arrogance belong to my character: Whether it does or not, I leave to the house to judge. It may happen, that sometimes in the warmth of debate, and in the eagerness to make myself perfectly heard and understood, I may raise my voice a little louder than is absolutely necessary to convey my sentiments to all parts of the house: but if this is to be conceived a proof of arrogance, the honourable gentleman himself will hardly escape the imputation; for he also sometimes elevates his voice to a higher pitch than appears absolutely necessary." In this manner did Mr Perceval always temper, by the gentleness of his nature, the heat of political violence. Mr Whitbread felt and acknowledged the courtesy of the reproof. He confessed, that among his many defects, his voice was sometimes louder than, perhaps, was necessary. There were many things in which he would wish to rival Mr Perceval: he would wish to rival him in acuteness; but above all things in his rapid transition from the warmth engendered by political contest, to the good humour of private intercourse. Then dexterously returning to his point of argument; "Personal arrogance," he said, "he certainly had not meant, but that degree of political arrogance which made him now pledge his responsibility so deeply. Under this responsibility ministers might take advantage of a mental malady in the king to usurp all the powers of the state."

Lord William Russel declared, that upon the second resolution he fully concurred with Sir Francis Burdett, and that as long as he found Sir Francis maintaining doctrines which tended to preserve the liberties of all the people of these realms, so long would Sir Francis find from him as warm a support as from any of his most determined partizans. He moved the previous question upon all the resolutions, and fourteen persons voted with him against ninety-eight. The resolutions were then agreed to. When they were brought before the peers, Lord Liverpool spoke in favour of them with his characteristic perspicuity and good sense. "He and his colleagues," he said, "had easily imagined that upon some points in this great subject there would be considerable opposition; but after what had past, he had thought all persons would be agreed in looking back to the precedent of 1789, as that which might be denominated a rule of conduct, in respect to the form of their proceedings. The first principle laid down in forming that precedent was, that the throne must be considered as always full, and the political capacity of the sovereign always in existence, whatsoever may be the immediate temporary incapacity or personal situation of the monarch. Look to the cases of infancy, the infirmities of sickness, and the infirmities of old age; in all these cases you might be liable to all the inconvenience of a disputed succession, under circumstances the most embarrassing, if this doctrine were not true. The second principle was, that the law knows of no such office as that of regent, that is, an office created under special circumstances to avert a special exigency. I know, indeed," said Lord Liverpool, "the opinion is entertained by some individuals, that the rules of the succession to the throne ought to be extended to the order and right of suc-

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cession to the regency. That, however, has not been the principle upon which our ancestors have acted, nor has it been an acknowledged principle in monarchical governments of any other country, to which regulations similar to those of our own might have applied. So far from it, the heir apparent, in most other countries, is positively considered as the last person that should be appointed regent. The third principle on which the precedent of 1789 was founded, was that, in the whole extent of the history of this country, there has never been an instance of a regency that was not appointed by parliament; and the fourth, that, with the exception of the Duke of Gloucester, afterwards King Richard the Third, and of the Protector Somerset, there is not an instance of one that was not in some way or other limited or restrained by parliament."

Lord Liverpool then spoke of the two modes of proceeding which had been suggested. "I consider," said he, "that by bill, not only as the better, but as the only mode which, upon any sound view of the principles of the constitution, can be adopted. I conceive likewise, that the mode of proceeding by address, would not establish the authority of the regent so firmly, as that the courts of law would be controuled by it, because, having no legislative sanction, they would not be bound to take cognizance of his authority. An address, I admit, may call into activity legal powers already in existence; but cannot, therefore, be considered efficient to call forth or enact any powers not already existing; so that our proceedings in parliament, if we were to adopt the mode by address, would not, in any instance, be acted upon in a court of law. This, therefore, is a capital objection to the mode of proceeding by address, but does not hold good with respect to that of proceeding by bill, to which the great seal shall have been affixed. A bill, to which the great seal is fixed, has all the authority and power of law, so long as it remains unrepealed. The great seal, it is true, might be illegally affixed, but no objection of this kind can be made in a court of justice. The manner in which the great seal may have been affixed is not properly an object of inquiry in a court of law, but a discussion that can only take place in parliament.

"Upon the question of future proceedings," he continued, "I mean not at present to observe. I wish that the question respecting the resolutions now before you should rest upon its own merits. I think they involve one of the greatest and most important questions ever discussed in parliament; they involve the most essential rights of the legislature; they involve the most essential interests of the throne; and in these considerations, they involve every thing most dear to the liberties of the subject, most important to the preservation of the constitution. Their adoption would, in my firm conviction, afford the best security for the welfare and prosperity of the country, and hold out the most effectual protection for the rights and interests of all classes of the community: for it cannot but be inconsistent with the genuine principles of the constitution and monarchy of this country, that any individual, however exalted in rank or station, should be invested with the powers of the sovereignty without the constitutional sanction and controul of parliament."

Earl Stanhope, who had interrupted Lord Liverpool in his speech to tell

him he was taking a false view of the law of the land, told him now he would put a case, in which an averment might be made against the authority of the great seal. He did not think that the noble secretary of state was a thief, but he would suppose him to be one, for the sake of the argument, and that he had stolen the great seal from the pocket of the noble and learned lord who sat next to him: Suppose he should then create himself Duke of Flushing, confer on himself a pension as large as the great seal could give, and finally affix that seal to a pardon for having committed these acts. Could there be no averment made against such proceedings? That was the law of the learned lord. Lord Stanhope then proposed an addition to the second resolution, stating, that the means provided by parliament for supplying the defect in the personal exercise of the royal authority should continue until the Houses of Lords and Commons, upon a full and satisfactory proof of the fact, should have declared that his majesty was so far recovered, as to be capable of performing the duties of his office. "The right of decision upon this point," he said, "remained with the two houses, and they alone were competent to entertain the subject. Suppose six physicians were in attendance on a monarch, and that four of them stated him to be capable of performing his regal duties, and two thought otherwise, though certainly the four would be possessed of the majority, yet it would be placing the legislature in a most extraordinary situation. If two of the four were to be withdrawn, then the votes would be equal; and if three, those who thought the sovereign incapable would have a majority. The unfortunate illness of his majesty, which gave rise to the present discussion, put him in mind of one of the most acute replies which he had ever heard. It was made by one of the most learned and able judges this country had ever produced, Mr Justice Burnet. He happened to be in company with a country squire, who asserted, that the office of a judge was a silly and useless one, because no case had more than two sides, and it was easy to see and declare whether it was black or white. The learned judge answered, that he was very right; there was no difficulty in pointing out what was black or what was white; but the business of the judges lay entirely among the greys. And in the case before them, there were so many shades of difference, such contrariety of opinion, that it was a matter of very great nicety to discriminate between them, and act in the manner most beneficial for the country. No authority in the realm could execute that important duty, save and except the two houses of parliament.

Lord Stanhope thought there could be no objection to his proposed amendment; but it was negatived without a division. The ill-placed and indecorous levity with which he delivers his opinions, frequently prevents them from being listened to with the attention which they might otherwise deserve. Lord Holland objected to the second resolution; "because," he said, "he always thought it dangerous to debate abstract questions, for the introduction of which there was no necessity. Some persons thought the heir apparent had a right to the office of regent; some thought the right to appoint was vested in parliament; while others asserted that it reverted to the people at large. All these jarring opinions, these metaphysical niceties in discus-

sion resolved themselves into arguments of logic and grammar: but all men knew there could be but one regent, and the universal wish was, that the regal authority should be conferred on the heir apparent." He therefore moved the previous question on this resolution. This motion also was negatived without a division. The third resolution was then moved, and opposed by Lord Holland; "for although," said he, "I feel the force and cogency of those arguments, which undeniably prove the great and dangerous increase in late times, arising from many causes, of the influence of the crown, I can never consent to impose any temporary limitations on the royal prerogative—converting that which was given for the security and safety of the people into a direct and studied insult against the distinguished individual whom you call upon to administer the important functions of the executive authority. But, dismissing from my consideration all reference to the feelings or the character of his Royal Highness the Prince of Wales, I stand up here for the people of England. I contend that these prerogatives have been conferred for their security; that they are a part of their right; that unless necessary to their interests and conducive to their safety, they ought not to exist at all; but being their right, and being necessary for their security and welfare, there exists no other power but that of a full parliament competent to wrest them from them."

Lord Holland next endeavoured to show that there existed only the same objections against proceeding by address as against proceeding by bill: "But," said he, "if this be granted, then it becomes the duty of your lordships to take the course most respectful to the illustrious prince, to whom the powers of the executive are to be confided: But of all modes, that by bill I pronounce to be most odious and disgusting to the royal personage." Then passing to an attack upon ministers, "Lord Liverpool," he said, "had ventured to avow, that those who were lately the servants of the crown had taken upon themselves the power of doing that, which the very course the house was pursuing proved could not legally be done without either bill or address. Did the noble secretary mean to state, that we were so far fallen in dignity and in feeling, as to suffer the attributes and prerogatives of majesty to descend into the hands of a faction? that we were to recognize in them the usurpation of the rights of the monarch, at the very instant that we were called upon by those who had thus usurped them to limit and restrict that prince, on whom at that moment the eyes of his country were fixed?" Lord Holland concluded by moving, as an amendment, "that an address should be presented to the prince, requesting him to take upon himself the government, and at the same time communicating to him, that, in the opinion of the lords, it would be expedient to abstain from the exercise of all such powers as the immediate exigencies of the state did not call into action, till parliament should have made provision for the future care of his majesty's person during his indisposition, and securing to him, whenever it should please Divine Providence to restore his health, the resumption of his authority."

The Duke of Norfolk supported the amendment, and his Royal Highness the Duke of Sussex spoke on the same side with extraordinary vehemence. "My lords," said he "I rise not merely to approve of the amend-

ment, but likewise to caution your lordships to listen with suspicion to any suggestion coming from that side of the house, upon a matter of so high importance, as to be equalled only by the magnitude of the calamity which gives rise to this momentous discussion.—Upwards of eight weeks have now elapsed, during which immense period, either the magistracy of royalty has been suspended, or the functions of that authority have been assumed by a committee of persons who have no right to exercise them. I have watched with a jealous and anxious eye, as far as I have been able, the whole proceedings of these late ministers of his majesty, resolved, when an opportunity occured, to state my most marked disapprobation of their conduct. You have now, my lords, upon the minutes of the secret committee many deplorable and most melancholy facts, which affection for my father, and delicacy, have hitherto prevented my expatiating upon. The fact is unfortunately now but too clearly established of the malady of our most gracious sovereign. You have likewise the evidence of the physicians, as to the positive certainty of no personal communication between the sovereign and his ministers during that period. You also possess the knowledge, that every individual of the royal family has been kept from the presence of the king. Can you then for a moment conceive, either that his majesty has a free will of his own, or any will at all? Can you allow yourselves to be told, that you may remain perfectly easy on the state of affairs, as his majesty's late ministers have executed every measure of expediency, which the pressure of the times required; and which they would have advised, could they have been admitted to the sovereign? Is this a justification of their conduct? How can your lordships know whether his majesty would have approved of the advice of these ministers, or not? If I understand any thing of the constitution of my country, the ministers of the sovereign are a set of men whom the king calls to his councils, and therefore are they styled his confidential servants. They are to take the pleasure of their sovereign, to advise him upon all matters, wherein the welfare and interests of his people are concerned, to the best of their knowledge and judgement, for which they are responsible to parliament. In consequence of their representations, his majesty commands them how to act; and for the execution of these royal commands, they are equally amenable to the grand tribunal of the empire. Now then, dare those ministers assert that they have acted as they would have advised their royal master, whom they have not seen for these last eight weeks, with whom they have had no personal communication, who has no free will of his own, and who is separated from all the tenderest ties of nature? My lords, if these late courageous ministers have acted, they have usurped a power which they have no right to exercise. If they have been frightened—if they have hesitated—if they have stumbled, and not acted, why then, my lords, they are equally treasonable for allowing the magistracy of royalty to be suspended for such a length of time, which is a situation the constitution can never know, and, of course, can never acknowledge. It is a shock the most dreadful, the most deadly, the constitution has ever received since the period of the revolution.

My lords, the sovereign is a sole corporation; he never dies; he enjoys a political immortality. In attempting, therefore, the destruction of this grand constitutional principle, these late ministers of his majesty have committed a regicide act against the magistracy of royalty. I cannot separate for a moment the welfare of the constitution from the welfare of the king. They are so closely united, and so intimately connected, that whatever concerns the one affects the other. I presume, therefore, by the measures his majesty's late ministers have been pursuing, the constitution is in danger; my father and sovereign must stand in the same perilous situation. It is by maintaining such doctrines, that I am fighting for the preservation of the monarchical constitution; and watching the interests of the crown with warmer zeal, truer disinterestedness, and greater activity, than ever the king's confidential servants can claim or pretend to. By the conduct these ministers have all along observed, they seem to me to have made a shield of the sovereign, instead of being the constitutional shield of their royal master. They seem to me, as if they were endeavouring to take advantage of the conjuncture to depress the crown, to render it as much precarious and elective as they can, and to raise the power of themselves upon the ruins of monarchy. If the estates proceed by bill, they assume to legislate, without the intervention of the royal authority, which is a violation of the constitution. Besides, if they do proceed by a pretended act of the legislature, they claim to elect the person, who, for a time, shall exercise the magistracy of royalty; and if it is admitted, that the two houses may thus elect the person who shall for a time exercise the magistracy of royalty, it will be difficult to resist that claim afterwards, at a future period, to elect a person who shall permanently exercise that royal authority. My lords, I hear of restrictions in the regency. I say, my lords, these restrictions cannot, must not be. If you feel the necessity of a regent, he must have full powers, and not be the very mummery or mockery of royalty, which is the system ministers are anxious to adopt. He must be an efficient magistrate, with those prerogatives which the common law of England assigns to a king, and which the people of the united kingdoms have a right to demand. From a variety of causes, my lords, I happened to be upwards of 18 years, during the progress of an awful and calamitous revolution, on the continent. Wherever I flew from this Hydra, it followed me. I watched as much as I could the rapid strides it was making over the whole of Europe; and my observations have invariably been, that the constant and successful forerunner of the downfal of every government was, either the bringing the magistracy of royalty into suspence or disrepute, or the inflaming, injuring, and prejudicing the minds of the people against their sovereign and his heirs. God forbid, my lords, that I should ever foretel such a calamity to my country; but, my lords, I hold it as a most sacred duty to warn you of the dangers which surround you at this moment. We have an excellent constitution, erected on the basis of a glorious revolution, formed by experience, and beautified by time and cool reflection. So masterly are the three component parts equipoised, that whatever should be an encroachment on one of the three branches, would carry with it the downfal of the two others; and thus the entire

destruction of this wonderful fabric, the sublimest proof of the mercy of Providence, and the noblest specimen of the wisdom of man, would inevitably ensue.

"Feeling, as I do at this moment, my lords, I cannot conclude otherwise than by imploring your lordships to pay your most serious attention to a subject, in which the vital parts of our constitution are concerned; and in quoting the words of a late and learned lord, who filled the woolsack at the former and similar momentous period of 1788—'May God forget me, if I forget my king!'—And to which pious and fervent ejaculation I must farther add, with equal devotion—May God forget me, if I forget the constitution of this country!—that constitution which placed my family upon the throne of these realms; that constitution which has been long our pride, and the envy of all surrounding nations, and for the want of which blessing they have all been confounded into one horrible mass of anarchy, ruin, and despair, while we stand secure from revolutions, firm as a rock, as a great beacon of civil, constitutional, and religious liberty, in the midst of a subjugated and desolated world; that constitution for which my family have pledged themselves to live and die."

The Duke of York spoke to the same purport, but in a very different strain. "I should readily have voted," he said, "for a farther adjournment, if it had been proposed by those who have been in the enjoyment of his majesty's confidence, and to whom I give credit for a disposition not to run too great a risk of incurring any serious embarrassment to the state, by postponing to too late a period the consideration of measures which must, under the continuance of these melancholy circumstances, ultimately become necessary. But I object to the mode which they now propose, and the principle upon which it is proposed. I deny the authority,—the validity of the principle, by which two estates of the realm can substitute a phantom for the prescribed reality, and assume to themselves a power of establishing an act, for which, by the principles and acknowledged forms of the constitution, the sanction of the third, still existing, although actually dormant, is particularly required. I therefore adhere to the mode of address, which is not liable to the same objections; and for the proposed restrictions, I consider them as not less dangerous in principle than in precedent. These are not times when the executive power, already subject to difficulties from its temporary nature, (and temporary, I trust in God, it will prove,) should be still farther embarrassed and weakened by restrictions, which are not less unbecoming than they would prove unnecessary."

Earl Moira, after hailing with joy the sentiments which had been delivered by the two illustrious dukes, joined in the attack upon ministers. "They had asserted," he said, "that no material inconvenience had arisen from their delay in supplying the deficiency in the executive government: he could not agree with them in this assertion. It was impossible to look around, and not to be sensible that inconveniences arose from it every day. How many thousands of manufacturers were reduced at that moment to the greatest difficulties and distresses, from not seeing in what channel to turn their speculations. These persons were not to be contented by the ministers holding themselves up as the sovereign, and usurp-

ing the functions of the executive. The noble secretary and his friends, no doubt, considered themselves as possessing the light and brilliancy of the sun, capable of directing every thing aright: he could not say that he estimated them as being composed of metal of such high value or lustre; they no doubt possessed an excellent currency, if the house chose to take it at their own word. The present difficulties of which they complained arose wholly from themselves. The evil was corrigible, but it had not been corrected; it was remediable, but had not been remedied. They had culpably neglected the duty they owed to parliament and to the country. They had, instead of communicating the real state of the case to parliament, on which had devolved the right of providing for the deficiency in the executive, resorted to every artifice to promote delay, whilst in the mean time, they possessed themselves of all the powers of the government. He had called them ministers. He was wrong. They were no longer ministers. From the moment the royal incapacity was declared, and the examination of the physicians was laid on their lordships' table, from that moment they ceased to be ministers,—they retained no more right to the possession of their offices, than the usurpation of the royal power enabled them to maintain."

"The address," he continued, "should have his most cordial support, because it would give to parliament the designation of the person to be appointed regent; and because it would enable parliament to attain its object of supplying the incapacity of the king by the shortest course. It would likewise have the effect of getting rid of that habit of doing without an executive power, which, during the course of the last two months, had given rise to the practice of canvassing the practicability of going on altogether without the regal authority. When he had heard the statement of the noble secretary, that no inconvenience had arisen to the public service from the state in which the government had been since the commencement of his majesty's illness, he feared that it might afford grounds to the jacobins, if there were such a description of persons in this country, to prosecute their endeavours to overturn the monarchical form of the government. They had thus undoubtedly the authority of a noble lord, who was deeply acquainted with the secrets of government, that the affairs of the country could be administered during the period of six or eight weeks with the powers of the executive suspended. They would naturally observe, if that could safely be the case for six or eight weeks, why not for six or eight months, or for six or eight years? Then, when it would come to reasoning with them, they might add, why might not they, as well as the persons in office, become the depositaries of the functions of the executive? It would be natural enough for them to reason thus, when they reflected upon the whole tenour of the measures pursued by the government since it fell into the present hands; when they considered how those opportunities, which fortune or providence had presented, had been neglected or lost; when they saw all our allies ruined, our commerce annihilated, our manufacturers starving, and this country left to contend alone against the united force of Europe; when they considered all this, and looked to the persons composing the cabinet, they

might then indeed say, that they could form as good a cabinet; that they could produce as pretty a bunch of kinglings as the persons who appeared to have assumed and usurped to themselves all the functions of the government. He called upon their lordships, therefore, not to lend themselves to a course which would have the effect of overturning the constitution of the monarchy, the bulwark of their liberties, and which would not only prove destructive to themselves and their fellow subjects, but entail calamities unforeseen upon their posterity throughout ages."

The Earl of Buckinghamshire, for himself, and for Lord Sidmouth, who was prevented by illness from attending, supported the mode of proceeding which the ministers proposed. "He respected the Prince of Wales," he said, "as much as any man; but he was grieved to perceive, that the question had not been argued with that regard for the interests of the king with which it ought to have been treated. The proceeding in 1789 had been approved of by his majesty on his recovery, consequently there was reason to think that the similar course which was now proposed would equally meet his approbation." The Marquis of Lansdowne spoke at length, and with his usual ability in favour of the amendment. "There was not," he said, "a single instance to be found in which parliament had assumed a power over the great seal: that seal had ever been considered as the symbol of the royal authority; the exclusive appendage to the personal exercise of the sovereign functions. It would not have been a greater absurdity in the convention of 1688 to have used the great seal of James the Second, for the purpose of filling the throne before it had been declared vacant, than it would now be for the two houses of parliament to employ the great seal of George the Third, to supply the existing deficiency of the royal functions, after having voted the actual incapacity of the sovereign. The noble secretary of state had indeed contended, that the object of the bill which it was intended to propose was, to make that complete by the great seal which at present could not be made so. This, however, was impossible. It reminded him of an expedient hit upon at a Westminster election, by a body of men certainly not so enlightened as his majesty's ministers, he meant the Irish chairmen. These people, finding themselves sometimes unpleasantly situated with regard to the police officers, applied to one of the committees of their favourite candidate at the election, to know if there would be any objection to their getting their poles painted like the constables' staves, conceiving that they would then, in any future quarrel they might have with the police, 'have law on their side.' Thus, the noble lord appeared to think, that by the artificial covering which he proposed to the measure in agitation, he should 'have the law on his side."

There is perhaps no one of the leading members of opposition who have so seldom said in the heat of debate that which he would afterwards wish unsaid, as Lord Lansdowne. The calmness and fairness of his reasoning entitles him even when he is wrong to respect; he never, in an offensive assumption of superiority, exposes himself by hazarding presumptuous prophecies, and never suffers a difference of political opinion to excite in him the feelings, and assume the form of personal hostility. Yet in the present debate, Lord Lansdowne seems

to have pressed an unfair argument against the ministers, tending to bring upon them a public odium, as if, through their misconduct, the king had been subjected to personal ill-treatment. "One of the objects," he said, "the most pressing in its nature, the most important in its effects, and the most interesting to the feelings of their lordships, must be to ascertain that the custody of his majesty's person should be confided, during the continuance of his unfortunate malady, to proper hands. Was there a noble lord in that house, however, who would state that, at the present day, even after the delays which had taken place, there existed a legal and responsible custody for his majesty's person? He trusted that the day would come, not only when parliament would make every necessary provision to that effect, but that a retrospective inquiry on this subject would take place; and that if it was true that within these two days a gross abuse as to the care of the person of his majesty had taken place, by which even, as was rumoured, his life had been endangered, such a gross violation should not pass without investigation and punishment. He stated this only as a rumour, which he hoped would prove unfounded; but it seemed to be one of those imperious calls for the vigilance of their lordships in adopting immediate means of providing for the safe custody of his majesty's person, which could not be passed over."

Lord Grenville pursued this subject. "What," he asked, "would be the impression upon their lordships, if it should appear that these ministers had assumed to themselves the custody of the king's person? If after stating, and properly stating, that the Prince of Wales was not the person to whom, legally speaking, the care of the king's person ought to be confided, they had taken the care of that person upon themselves? What must be the feelings of parliament and of the country, if it should turn out that this had been done, not in compliance with the wishes of the royal family, but against their unanimous and declared opinion? What would be the measure of public indignation, if it should appear that these uncontrouled usurpers of the sovereignty, who would impose restrictions upon the regent, that regent being the heir apparent to the throne, had unfeelingly taken from the royal family that which was the established right of every family in the kingdom, the care and custody of their relatives previous to the interference of the Court of Chancery? Through that court, the general asylum provided by the constitution for the protection of persons labouring under mental infirmity, all classes of his majesty's subjects were placed in a state of security in the event of their falling into so heavy a calamity. Was it right, then, that his majesty should in this respect be in a worse situation than the meanest of his subjects? Was it not, on the contrary, most just and proper, that his majesty, whenever visited by so severe an affliction, should find in his parliament an asylum such as the Court of Chancery afforded to his subjects, and derive from its wisdom an equal protection, both in the care of his sacred person and the maintenance of all his rights? But before provision could be made by parliament for this purpose, there could be no doubt in any man's mind, that the guardianship of his majesty's person must belong of right to his nearest and dearest relatives."

To these accusations, which, if they had not been far too improbable to obtain credit, would have been of the most serious nature, the Lord Chancellor only replied, that he would not condescend to notice what was stated merely from loose and indefinite reports in circulation, and that he hoped the country would give the ministry credit for acting with the very best intentions at a most difficult crisis. "God help the man," said he, "who has an eye to their situations!"

The Earl of Buckinghamshire had said, that the delays which had already taken place were meritorious. "Meritorious!" exclaimed Lord Grenville, "at a time when it was said that the eyes of Europe, nay of the whole civilized world, were fixed with great anxiety on the conduct of the parliament of Great Britain! at a time when the fate of thousands might hang on the decision of an hour! Protraction in such a case meritorious! Why, it was putting to hazard the best interests of the country, and might entail calamity, not alone upon this nation, but upon the whole human race. Supporting, then, as he meant to do, their proposition, he must still reprobate and condemn the accumulated criminality of ministers; he must exclaim with all his might against the usurpation of those arrogant men, who first, since the days of Cromwell, had the audacity to assume and to exercise the functions of the regal authority."

Lord Grenville, however, while he attacked the ministry with such bitterness, supported the principle upon which they proceeded, and voted with them for proceeding by bill. The resolution was carried by a majority of 100 to 74; all the royal dukes voted in the minority, and joined in a protest against it, with many other peers. They had previously had recourse to the singular measure of protesting against the intended restrictions as members of the royal family, in a letter to Mr Perceval, in these words:

"Wednesday night, 12 o'clock, Dec. 19.

"SIR,—The Prince of Wales having assembled the whole of the male branches of the royal family, and having communicated to us the plan intended to be proposed by his majesty's confidential servants to the Lords and Commons, for the establishment of a restricted regency, should the continuance of his majesty's ever-to-be deplored illness render it necessary; we feel it a duty we owe to his majesty, to our country, and to ourselves, to enter our solemn protest against measures, we consider as perfectly unconstitutional as they are contrary to, and subversive of, the principles which seated our family upon the throne of this realm."

Mr Perceval replied for himself and his colleagues in administration, "that deeply as they lamented that the measures which they had thought themselves bound to propose, should appear to their royal highnesses to deserve a character so directly contrary to that which it had been their anxious endeavour should belong to it; they must still, however, have the consolation of reflecting, that the principles upon which they had acted obtained the express and concurrent support of the two houses of parliament in the years 1788 and 9; that those houses of parliament had the high satisfaction of receiving, by the command of his majesty, after his majesty's recovery, his warmest acknowledgments for the additional proofs they had given of their affectionate

attachment to his person, and of their zealous concern for the honour and interests of his crown, and the security and good government of his dominions; and that the uninterrupted confidence which his majesty was pleased to repose, for a long series of years, in the persons who proposed the measures which were grounded on those principles, entitled his majesty's servants, in their judgement, still farther to conclude, that those principles and measures had the sanction of his royal approbation." The conduct of the royal dukes in this instance met with universal disapprobation; they were severely censured for having thus as it were attempted to form themselves into a college of princes; and they seem themselves to have been sensible of the impropriety into which they had been led, for they confined themselves afterwards to the constitutional means of expressing their opinion, and entering their protest as peers of the realm.

The preliminary resolutions having now been agreed to by both houses, Mr Perceval proposed five others, declaring, "1st, That the prince should be empowered to act as *Dec.* 30. regent; 2d, That, for a time to be limited, his power should not extend to granting any rank of peerage to any persons, except such as might have performed some signal naval or military exploit; 3d, That it should not extend to the granting any office in reversion, nor any office, salary, or premium, for any other term than during his majesty's pleasure, except such offices as were by law required to be granted for life, or during good behaviour; 4th, That such parts of the king's private property as were not vested in trustees, should now be so vested for his benefit; and 5th, That the care of his person during his illness should be committed to the queen, who, for a limited time, should have power to remove, nominate, and appoint, to the several offices in his household, and to order every thing relating to her charge; and that a council should be appointed to advise and assist her, with power from time to time, and as they might see cause, to examine upon oath the physicians and others attending his majesty's person, touching the state of his health, and all matters relative thereto. "If," said Mr Perceval, "according to the opinion of the gentlemen opposite, no power whatever over the household should be vested in her majesty, the consequence would be, that if his majesty were to recover a fortnight after the passing of the bill, he would find his household deranged, and his whole domestic establishment subverted. I am persuaded, therefore, that parliament will be of opinion that the royal power over the household should be continued for a given period. I confess, that if there is any part of the provisions of the plan of 1788 which I am more particularly anxious to carry into effect than another, it is that part of them which respects these domestic arrangements. It would be most ungracious when, after experiencing the blessings of his majesty's reign for twenty-eight years, parliament in 1788 adopted a provision on this subject similar to that which I propose, but without limit; a provision to which they were prompted by respect for his majesty's character, and tenderness for his majesty's feelings.—I say, it would be most ungenerous, were his majesty to recover at a short period from the present, and on a comparison of what it was intended to do in 1788 with what had been done in 1810, to be led to

conclude that the last twenty-two years of his life had diminished rather than increased the attachment of his subjects."

Upon the first resolution, the Honourable Mr Lambe moved that the words relating to restrictions should be omitted. He argued against the precedent of 1789, and maintained, "that even those persons who regarded it with respect, ought to consider the different circumstances of this country at that time and at the present. Then the country was not only in a state of peace, but of internal prosperity and safety; now it was engaged in foreign war, oppressed with internal dissatisfaction, and surrounded with peril and danger. With respect to external danger at the present moment, he had not words to express his sense of it; and as to domestic danger, though he had not much fear in general of opinions that could be met with other opinions, he was not without his apprehensions. What were called jacobinical principles in the former instance—the refinements of philosophy, and the speculations of theorists, which characterized that day, carried a sort of corrective in their own wildness and extravagance; but the doctrines which were now afloat were much more dangerous, because more specious and more seemingly constitutional. He would put it to those gentlemen who had the most recent experience of the difficulties thrown in the way of government by the different parties in the house, and in the country, to say, if they found the management of the public affairs, with the unimpaired vigour of the crown, so very easy a matter? But if the influences of party prevailed at present, what would they do during a regency; a period, when factions of all kinds were sure to prevail the most. Was it fit, then, that the influence of such a political body as the royal household, for a political body it was, should be put into other hands than those of the regent?

Mr Canning then rose, and, in a speech not less distinguished by its urbanity and candour, than by its clearness, eloquence and uniform ability, explained the grounds upon which on these points he differed from Mr Perceval. "I am anxious," said he, to do this before the debate can have grown into asperity or contention; asperity, in which I utterly disclaim any participation; contention, in which, I trust, I need not assure my right honourable friend I should be most unwilling to engage in any difference with him. We are now," he continued, "arrived at that point in our proceedings, at which the opinions of those who have hitherto generally agreed, may naturally be expected to separate and diverge; at that point, where authority fails us, and where discretion must begin. To the discussion of points not decided in 1788, and of circumstances essentially different from those of that time, we come as to so many new questions, unbiassed by the authority of a precedent not strictly applicable, and unfettered in our judgement, so long as we keep the range of our respective opinions within the sphere of the constitution.

"We are all agreed that the most expedient mode of carrying on the executive government will be by a sole regent; and that the regent should be no other than the illustrious individual, by birth and situation nearest to the throne. The question of to-night is, what portion of the regal powers and prerogatives should be given to the regent, for the execution of the arduous trust confided to him; or what portion

withholden from him, for the purpose (as I understand) of marking that it is a trust confided, and not a right adjudged to him? Having found and recorded the actual incapacity of the sovereign; having assumed and asserted the right and the duty of the two houses of parliament to supply that incapacity, let us now consider what is the nature of the business which through incapacity stands still, and which we are to find the means of carrying on. It is the business of a mighty monarchy. It consists in the exercise of functions as large as the mind of man can conceive;—in the regulation and direction of the affairs of a great, a free, and a powerful people;—in the care of their internal security and external interests;—in the conduct of foreign negociations;—in the decision of the vital questions of peace and war;—and in the administration of the government throughout all the parts, provinces, and dependencies of an empire, extending itself into every quarter of the globe.

"This is the awful office of a king; the temporary execution of which we are now about to devolve upon the regent. What is it that affords a security to the people for the faithful exercise of all these important functions? The responsibility of ministers. What are the means by which these functions operate? They are those, which, according to the inherent imperfection of human nature, have at all times been the only motives to human actions, the only controul upon them of certain and permanent operation,—the punishment of evil, and the reward of merit. Such then being the functions of monarchical government, and such being the means of rendering them efficient to the purposes of good government, are we to be told that, in providing for its delegation, while it is not possible to curtail those powers, which are in their nature harsh and unpopular, it is necessary to abridge these milder, more amiable and endearing prerogatives, which bear an aspect of grace and favour towards the subject? or are we to be told, that in depriving the regent of the means of grace to sweeten the exercise of power, while we impose upon him all the invidious functions of government, we are not making a most serious change in that branch of the constitution, which we profess our desire to uphold in all its powers and prerogatives? What is necessary is, to provide for carrying on the functions of the disabled sovereign: What is not necessary is, to change their nature. What is necessary is, that the government should go on: What is not necessary is, that part of it should be arrested. We are compelled by necessity to delegate the exercise of the executive authority to a regent: but there is no necessity for making that exercise more difficult in his hands than in those of the rightful possessor; for imposing new difficulties upon this arduous office, diminishing the means of its efficiency, and adding to the irksomeness of its burthen. But, perhaps, the prerogatives of the crown are more than adequate to the discharge of its important duties, more than sufficient to maintain the dignity and lustre of that throne, which he, to whom we are now intrusting the support of its rights and powers, will in due time himself be called to fill? Perhaps this temporary delegation affords an opportunity for trying an experiment, which in the person of the rightful occupant could not be tried without danger.

"Sir, I confess I dread the exam-

ple of this experiment, not for any use which I believe to be intended to be made of it by my right honourable friend; most assuredly not, but from the manner in which it is likely to be welcomed, felt, and treasured up for future use by others, who may be disposed to employ it for purposes very foreign to his views. I am not one of those, sir, who think the crown already too powerful. And being of opinion, that the executive power does not possess too much influence, or too extensive means of rewarding public services, I must, in consistency with that opinion, contend that, whatever portion of the powers of the crown shall be withheld from the regent, will be so much taken away from what is necessary for the due discharge of the indispensible functions of the monarchy. Thinking the plan of restrictions altogether objectionable, I think that which is intended as a mitigation and improvement the most objectionable part of it. My sentiments are too well known within these walls, not to secure me from any imputation of wishing to shut the ranks of the peerage against those, whose distinguished merit, in their country's service by sea or land, shall hereafter entitle them to such exalted honours. The achievements of military heroism are, by the common consent of mankind, fit objects of the highest reward. Would I consent to check so legitimate and beneficial an ambition?—to damp an ardour as splendid in its character, as pure in its motive?—to withdraw from valour and prowess the just incitement which arises from an enthusiastic hope of identifying their personal fame with the greatness and the glory of their country? What! if Lord Wellington, who has displayed so eminently, during the late campaign, those distinguished qualities of a general, which he was supposed, but falsely supposed, not to possess—should, before the conclusion of the present year, exhibit to his admiring and grateful countrymen another specimen of those more shining qualities, for which he has been uniformly acknowledged to be conspicuous, and should terminate a campaign, signalized by such consummate prudence and skill, by an achievement more congenial perhaps to his nature and habits—a brilliant victory—would I be the man to deny to him the well-merited reward of more exalted rank in the peerage? Or, if a gallant admiral, with the characteristic enterprize of his profession, should rush into battle, with that animating exclamation with which Nelson led on the battle of the Nile 'A Peerage or Westminster Abbey!' would I be the man to contend for closing against his hopes one part of that glorious alternative? for leaving him, indeed, the monument to cover his remains if he should fall; but for shutting the ranks of the peerage against his living glory? Long may such honours be so bestowed! many be the victories in which they shall be won and worn! But the manner in which I wish such rewards and distinctions to be conferred, is in the ordinary course of the constitution;—in the spontaneous and unfettered exercise of the royal prerogative;—such as it has been for ages—such as it is now—such as the very exception proposed by my right honourable friend proves that it ought to continue—but such as that exception does not leave or make it. I would accomplish this salutary and necessary object by the very simple process of leaving things as they are, not by first lopping off from the royal prerogative the power of granting peer-

ages generally; and then turning round for the purpose of piecing it again, and restoring its former state in part, with a view to meet the circumstances of a particular case. The necessary effect of this exception would be, not to relieve the prerogative from restraint, but to change its very nature; to strip that part of it, which would be so withdrawn from the limitation, of one half of its value. For in what does the value of this prerogative consist?—Not surely in any duty and positive obligation imposed upon the possessor of it to give or assign a certain stipulated reward for a certain definite service. He is not to adjudicate the specified and rightful earnings of valour or merit. There is a grace and favour in the reward of eminent public services; there is a discretion in selecting them for that reward, which can only be found in the free choice of the sovereign, and in the spontaneous exertion of the royal prerogative. It is in this view that the grant of honours and distinctions is 'twice blessed,' that

> 'It blesseth him that gives, and him that takes;'

that it endears the bestower and receiver to each other; that the stream of nobility springs, as it were, warm from the heart of the sovereign, ere it descends upon the favoured head of a meritorious subject. Strip the prerogative of this grace, this discretionary power, and you do not only restrict its operation, but you destroy its essence. If the law were to direct such honours to be conferred, where would be the grace? Where would the gratitude be due? Where the obligation conferred? Deprived of all appearance of spontaneous bounty, the honour would be claimed as a right, not acknowledged as a favour, and the regent would be placed in the situation of a bare trustee indeed, but of a trustee without confidence, authorized only to perform, in previously specified cases, a prescribed and indispensable duty. Now as to the limitation itself. Is it exclusively in cases of military or naval merit that it is essential to the best interests of the state, that the person exercising the royal authority should have the unrestricted prerogative of creating peers? Are there not other instances in which the exercise of such a prerogative, unfettered by limitations, is equally necessary to enable a regent well and beneficially to administer the affairs of the nation? I will suppose, for instance, that the eminent person now holding the great seal, might be desirous of retiring from office; and that the regent might in consequence select for his successor some one of the ornaments of the bar. Now, under the restriction, which I am now considering, the regent could not elevate the object of his choice to the peerage. A lord keeper might indeed be appointed, and I am aware, that, in the eye of the law, the lord keeper and the lord chancellor are the same: whether lord keeper or lord chancellor, he is, by virtue of his office, prolocutor of the House of Lords. But if he cannot be raised to the peerage, must not great inconvenience at least, perhaps more than inconvenience, be felt in the progress of public business, when he, who presides over the proceedings of the peers, not being a peer himself, can take no share in their debates, but must remain as mute as the mace upon their table?

"As to any argument to be deduced from a supposed abuse of this prerogative, or from the too lavish use of it, either in recent or former times, the fault of that argument is,

that it would lead not to a temporary, but to perpetual restriction of it. It would lead to abridging the prerogative in the possession of the crown, not to a mere partial suspension of it in the hands of the regent. But the imputation of an extravagant use of this prerogative, is at least excessively exaggerated. In very late times, and by the present administration, either whilst I was connected with it or since, certainly there has been a most sparing use of the power of creating peers. But, looking back to former administrations, to which this abuse is imputed, I must say, I very much doubt, whether the House of Lords, numerous as it now is, has been so augmented as to bear a greater proportion than heretofore, to the weight and influence of the Commons, and generally to the increased diffusion of wealth throughout all classes of the community. There is recorded in our history one instance, and one only, of a flagrant abuse of this power for political purposes; that in the reign of Queen Anne, when the Tory administration, by pouring twelve newly created peers in one day into the House of Lords, established a majority in their own favour. But even this abuse, if it were likely to be be imitated, could not now be imitated successfully. It must be admitted, that the addition of twelve peers, when the whole number consisted but of 200, must have borne a considerable proportion to the whole. But now when the House of Lords consists of 360 peers, what would be the addition of twelve, even if, in the present times, such a stroke were likely to be ventured; and how much greater must the addition be to make such a stroke permanently decisive! And here again the argument goes too far for the object to which it is applied. If there be this danger in the unlimited power of creating peers, the limitation, to be effectual, must be made permanent. But to all such stretches of prerogative, the house well knows that there is a limitation more operative than the provisions of a bill; more efficacious than any system of checks and balances,—the controul of public opinion.

"The same objections apply, according to their kind and degree, to the next restriction,—that upon the grant of patent offices or pensions for life. Much has been said of late years, of the great extent of patronage, and of the expediency of reducing it. I have never allowed the truth of these statements. Investigation has shown them to be exaggerated: and even if it were possible for me to consent to any change in the system, it certainly should not be to one, that should materially diminish its amount, though it might alter the mode of administering it. But that there must, and ought to exist, in the hands and at the discretion of the crown, means, and ample means too, for the remuneration of public service in the civil and political departments of the state, I am, and have always been decidedly of opinion. The legitimate use of such means appears to be in the facility which they afford for winning men of ability, who may have no very ample property, into the public service. Perhaps there are few public men less interested than I am, in any probable arrangement of a new administration. I speak, therefore, with the more freedom upon these subjects. And as to any misuse, which may be apprehended from favour and partiality in the distribution of such offices as may fall vacant during the continuance of the regency, I will fairly own, that, if his royal highness should

have the power of rewarding the long and disinterested attachment, the steady and tried fidelity, and the great public talents of any individual, who even might not have strictly earned such reward by actual labour in office, I should not grudge such an exercise of the power of the regent; nor think it more than a reasonable compensation to his royal highness for the cares, the anxieties, and the embarrassments of the situation, the duties of which he is called upon to discharge. The apprehension of any opposition being made to the return of his majesty to the exercise of his authority, must be felt, even by those who use it, to be in the highest degree extravagant. If I could believe that there existed a man so lost to what is due to himself, to his sovereign, and to society, as to harbour such an idea, I would not only not consent to give him power without restrictions, but I would not confide to him any power at all. I would not arm with 'a pigmy's straw' that man, into whose mind so monstrous a design could even for a single moment find admittance. God forbid that any power should be granted, or any provision made, which could, either by perversion or by accident, obstruct his majesty's resumption of his functions. I would have nothing to impede, nothing to retard, that resumption beyond the moment, at which it should please a gracious Providence to restore him to the wishes of his people. No effort, no exertion, should be necessary on his part. Like the sun, by the mere act of his appearance, he should dissolve and dissipate all the clouds and vapours by which his lustre is obscured.

"In exact proportion as we make anxious provision for the secure resumption of his power by the king, I think we should abstain from unnecessarily restricting the powers of the regent. These, sir, are not times in which any man can think it desirable to cripple the energies of the executive government, in whatever hands it may be. But we must recollect that in the very circumstances of the king's situation—of his desired, and, (thank God!) probable recovery, there is a certain source of weakness to the ephemeral and evanescent government of the regent, which going to repose in the possession of power, can never be certain that it may not awake and find itself dissolved in the morning. The custody of his majesty's person, I take it to be perfectly clear, from every analogy of private life, and from all the feelings of nature, should be given to the queen. With respect to the household, I should much rather attach a large portion of that establishment permanently to the service of his majesty, than have the whole of it attached to him for a limited period, as proposed in the resolution, then to be revised and retrenched. I say this with as much frankness, as if advising with my right honourable friend, as a member of the government, previous to the bringing in of his measure. I should have recommended an attempt now to preserve a proper splendour to surround his majesty's person during the whole term of his natural life, should his illness unfortunately be commensurate with his life, rather than leave the matter in prospective dependance upon the decision of some future, and perhaps less favourable disposed period. I may be wrong or fanciful in point of feeling, but I will own, I am not satisfied with a provision, which has the appearance of fixing a time, after which there is to be no hope entertained of

his majesty's recovery. I should be much better satisfied, that the functions of the crown should remain in suspence to the longest period of which the exigencies of the public service could possibly admit, than be thus reduced to the necessity of defining a period at which all hope is to be abandoned. And this appears to me to be the effect of providing a larger scale of household for a limited time, with a recorded admission that it must then be altered; of accumulating comfort and splendour upon the period of hope, with an avowed view of reducing them to a more contracted scale at the era of despair.

"Sir, I would do what is right at once, and once for all: I should not think any thing right but what was ample both for comfort and for splendour; and I would settle the establishment permanently, in order that the portion of patronage, which may be withheld from the regent, may not be given to any body else. For upon this point I perfectly concur with my honourable friend on the other side, (Mr Lambe) that it would be highly improper to set up a new political power growing out of that influence, which belongs to the appointment of the household, and which has always hitherto been joined to the executive government. Why should that influence subsist at all during the regency? The regent certainly must not have it, and why should her majesty be burthened with it? Why should not the lords of the bed chamber, and such other attendants as ought to be attached to his majesty's person, enjoy their places during life, that is, during the continuance of the king's illness, whatever that may be, independent alike of the regent, or of any other political influence whatever? Something of this sort it appears to me might be done, and might spare all the jealousies and heart-burnings to which disputed patronage and renewed discussions may give rise;—while, more than any other practicable arrangement, it would secure to his majesty the most faithful and acceptable attendance. No views of niggardly economy ought to be permitted to mix themselves with the consideration of how we may best provide for the safe, the tender, and the respectful care of the king. We must not think of saving by his sickness. We must not forget that he is still our king. We must not consider him as a remnant to be thrown aside: but as a relic to be treated with pious devotion, to be consecrated with the prayers and the vows of all good men; to be not immured, but inshrined amidst the gratitude and veneration of his subjects."

Lord Castlereagh supported the restrictions, not as a precaution applicable to the present occasion, but as a precedent important to futurity. "The transfer of the household from the executive government to the queen, he objected to, as not falling within the conservative principle for which he contended; and to the plan of a distinct household for the regent, which followed from it, he objected both on grounds of economy and influence. If the measure was wise and necessary, the expence would form but a subordinate objection; he considered, however, the transfer of such a branch of the influence of the crown to the queen as highly objectionable in itself, as mixing her majesty unnecessarily in politics, and as carrying upon the face of it the appearance

of a double influence, which, if exercised adversely to the regent's government, might seriously weaken it, whilst, if thrown in aid of a separate household of his own, it might prove a most dangerous and unconstitutional increase of the influence of the crown."

Mr Leach argued at great length against the right of the two houses to limit the regent's authority, concluding, from a review of history, that in no case, except in the precedent of 1789, had it ever been thought expedient to suspend, during the temporary possession of power, any function or prerogative of royalty. Mr Lambe's amendment was negatived by a majority of 224 to 200. The resolution for restricting the prerogative respecting peerages, was carried by a majority of 16; that concerning pensions, by a majority of 19. The fourth resolution was agreed to without a division; the fifth was postponed till the morrow.

Jan. 1. Earl Gower then moved as an amendment, in place of the words which gave the queen the management of the household, that the resolution should convey to her "such direction of the household as might be suitable for the care of his majesty's royal person, and the maintenance of the royal dignity." "The increased expence," he said, "with which it was proposed to burden the nation, was, to say the least of it, unnecessary. During the time of his majesty's retirement, he would certainly have no occasion for his present household; and another reason which weighed on his mind more than the consideration of expence, was the danger of forming a party in the country, which might tend to weaken and impede the powers of the government."

Lord Milton said, "he considered this resolution as by far the most objectionable of all the objectionable ones which had been proposed. Why, when the minister was taking precautions against bad regents, was he not equally solicitous against the establishment of a precedent which might be serviceable to bad queens. History was not without instances of ambitious queens, deaf to all the considerations of honour and duty, establishing their own influence upon the subversion of the interests of their husband, and of their family."—Mr H. Addington, Mr Stephen, and Lord Desart, supported the resolution: Mr H. Martin, Mr Johnstone, Sir S. Romilly, and Mr Adam, the amendment. Mr Fuller said, "Let them retain the king's servants about him, that when he returned to his life and feelings, he might find his old companions in attendance upon him, and see that his people had not deserted him. The prince, he thought, as regent, should be restricted, and not have the power of enlarging the peerage. I would act," said he, "the same part I do now, if the prince himself were under the same circumstances, or his darling daughter, and the prince ought to respect me for it. As for the 15,000l., upon which the whole matter turns, I look upon it as a song, and believe the people would pay it themselves, sooner than their good old king should be deprived of his comforts." Mr Canning, who has seldom appeared to greater advantage than he did through the whole course of these debates, brought the attention of the committee back to the question, from which the late speakers had wandered. "The question," he said, "was simply this; what degree of power, and whether any political power, should be granted to her majesty? There is no doubt

or difference of opinion as to two parts of the resolution; that the queen should have the custody of his majesty's person, and that she should have a council for the due administration of this trust. The part which forms the point of present discussion is, whether the trust to be confided to the queen shall be accompanied with a grant of political power, and whether we may not sufficiently provide for the comfort and dignity of his majesty, without committing considerable political authority to hands in which such authority has never before been constitutionally placed.

"According to my view," he continued, "of the state of this question, if I were this night to vote for the original resolution, I should at once decide affirmatively, that the queen should have the power of removing sixteen great officers sitting in the House of Lords, and several others having seats in the House of Commons. The amendment allows sufficient time for deliberation as to the precise quantum of political power that ought to be lodged in the hands of the queen, reserving it for more mature discussion and future decision. Between these two courses, with the doubts, which, I confess, I entertain upon the subject, I cannot but prefer that, which, pledging the committee against nothing but the sweeping grant of the whole of the household, will not prevent the giving a due portion of power, even political power, to her majesty, by provisions to be introduced into the bill, if, upon full consideration, it shall be thought wise or necessary to do so. With regard to the exalted personage, the object for whom this provision is to be made, it is unnecessary to say, that he claims every attention, not only from his rank, but from being, as he is, so justly and tenderly endeared to the hearts of his subjects. Whatever may be the arrangement to be made for the care of his majesty's sacred person, I hope I need not disclaim the giving any vote or opinion on the ground of any paltry and pitiful retrenchment. I would not economize upon the sufferings of my king; nor would I agree that, in the state in which he at present lies, he should be stripped of that splendour which must indicate to the world the consideration in which he is still held by his faithful and loving subjects. The royal diadem, however for the moment its lustre may be dimmed, is not to be altogether shorn of its beams. I would not in the infirmities of the man forget the station and character of the monarch. I would shade the chamber of his sickness, not with the curtain of oblivion, but with the veil of the sanctuary. I would place to guard it those, whom, if he should happily recover, he would be glad to find at his door; and these chosen sentinels should be irremovable by any power whatever. I think we should do our duty by taking care that the sovereign shall have those about him whom he himself has chosen; so that when, upon waking from his trance, he may pronounce some well known name, he may not be to be told 'that he whom he calls for is not there.' On this principle I should think it better to form an establishment for the sovereign somewhat smaller in extent, but not liable to accident or uncertainty, than to continue the household altogether on its present scale for a limited time, liable to change hereafter. I would rather take less, but have it permanent and unalterable, than have all for a limited time, subject to future retrenchment, and with a power

to make any alterations in it, to whomsoever that power might be given.

"The difficulty, which I chiefly feel in giving the power of removal to the queen, is that of intrusting political power in hands, where it had never formerly lodged, and thus creating an anomaly in the practice of the constitution. On the other hand, the regent, for his own sake, if for no more weighty reasons, unquestionably ought not to have the power of removing or appointing the persons who are to surround the sick-bed of the king. I see but one mode of obviating both these difficulties, namely, that of selecting that portion of the offices, the holders of which are called on more immediately to give their attendance on his majesty's person, and fixing them immutably by law during the continuance of his majesty's indisposition.

"The expence of this establishment would be as nothing. State the whole at 16,000l., of which 4,000l. comes back in taxes into the coffers of the state, and what is such a sum compared with that degree of comfort, of tenderness, and compassionate and respectful care, which belongs to such an arrangement? There would remain the office of lord chamberlain; that of the master of the horse; and the two golden sticks—offices of pomp and show, which are necessary to the office of regent, as having the command of the guards, to form the foundation of the regent's household splendour. The splendour of the throne, as such, ought, in my opinion, to accompany the royal dignity, and be attached to the person charged with the executive power. I confess I think it infinitely more desirable, that the regent should exhibit himself to the country, clothed as far as possible in the insignia of his father's authority, than with any new and separate establishment created for his new situation, and to pass away together with it. The king's lord chamberlain, the king's master of the horse, perhaps also (but of that I feel less confident) the king's lord steward, officers, as they are, not merely of domestic service, but of state, of pomp, and of political power, ought to be the officers of the regent; and whoever surrounds his person, ought of course to be under his controul. On the other hand, whatever inferior officers, even in the departments of these greater officers of state, are near the person of the king, or employed in his immediate service; and generally all those, of whatever rank or station, who are objects of the king's personal choice; in short, who are strictly domestic, not state, and not political officers, ought to be fixed permanently and irremoveably around the king, to watch and wait his recovery. My right honourable friend has said, that the period for which he proposes the present plan is short; that till the expiration of that period, it is better to let things remain as they at present stand; and that it will then be necessary to reconsider and revise the whole plan; to retrench the household establishment of his majesty, and place that of the regent on a more enlarged and suitable footing. There is something revolting in the idea of holding out to the country two stages of proceeding; one as the period of hope, the other as the period of despair. I would much rather look to the question once for all, then again return to it hereafter, with the prospect of regarding his majesty's disorder then as a permanent and incurable affliction. It is not the lapse of a year that can induce me to legislate for the indis-

position of the king, as if it were his death. While there is life there is hope. The arrangements, which his illness makes necessary, are necessary now; what are unnecessary, ought not merely to be delayed, but ought not to be made at all. What ought to be made at all, I thought it had been agreed on all hands, ought rather to be made before the regency is established, and while we have the power in our own hands, than left to the regent and his advisers to propose hereafter. And surely, of all the points upon which we ought most carefully to avoid creating a necessity, or affording a plea for the regent's interference, the royal household is the most prominent. It is that upon which our duty and our feelings most peremptorily call upon us to see justice done to the king. It is that which, if it be not the most unsafe, is the most invidious to be left to the regent."

Mr Perceval replied, "he could not conceal the very great anxiety which he felt for the success of this resolution, because if the amendment were agreed to, he could clearly anticipate, from the effect it might have upon the mind of his majesty, when he should become convalescent, one of the most serious calamities that could befal the country,—a relapse into his present unfortunate disease. In submitting his propositions to the committee, he had expressed a hope that the period would be but short, when his majesty would be enabled to resume his functions of royalty, and with that expectation wished to limit a period within which no alteration in the establishment should take place, being aware that his majesty's feelings would be different if his recovery should be more remote, from what they must be should he recover in a short period, and find that within that period, short as it was, parliament had deranged his whole establishment. He entreated the house, therefore, to consider what the effect would be—what it might be one way; and what would be the national inconvenience in the other way. A month or six weeks might restore his majesty to the wishes of his people, and would not every gentleman then regret, that any derangement in his majesty's establishment had taken place? If it was desired by the house, the power of removal or dismissal, which may be used for political purposes, might be taken away from her majesty. But he should most solemnly protest against any derangement of his majesty's household at the present moment. He dreaded it as likely to produce the greatest calamity. He might have formed an erroneous opinion on the subject; he trusted in God, if the amendment proposed was adopted, it might be found he had done so."

Mr Whitbread then rose, declaring that, after the very extraordinary speech of Mr Perceval, he could not refrain from expressing his indignation and astonishment. "That right honourable gentleman," said he, "having broken down all the most important barriers of the constitution; having usurped all the prerogatives of the crown; has now gone a step further, and added to his daring innovations, by breaking down all the barriers provided to secure the freedom and independence of debate in this house. Upon a question such as this, however, it is not easy to draw the precise line of distinction, when a chairman ought to interfere; and though we are all conscious of the disorder, no man can readily fix upon the particular expressions, which it would be right and proper to have

taken down. Can any man entertain a doubt for a moment, that it is inconsistent with the recognised and established rules of debate to appeal against our judgements to our feelings, and to tell us, that if we shall vote for an amendment upon a ministerial resolution, the effect of that vote will be to throw the royal mind back from a state of convalescent health and mental sanity into a state of deplorable derangement? Is this conduct to be endured? Are we then to be driven from the exercise of our right of free debate by the disorderly introduction of such topics, or the influence of such unconstitutional menaces? And how deplorable a picture does the right honourable gentleman draw of the royal person, when he represents him as likely on his recovery to be in future liable, from a knowledge of a vote of this house, to have his mind thrown back into unconsciousness and confusion? If insinuations of this description are fit to be made, will they not give rise to various and serious considerations in the public mind, from which doubts might very naturally spring as to the period and completion of his majesty's ultimate recovery? I will ask the right honourable gentleman, whether, at a time when the royal mind is susceptible of those agitations which so much trouble has been taken to describe; when feelings so sensible and strong, as the house has been told might possibly be awakened on a return to reason, he would venture to submit to the king's consideration and judgement any of those momentous subjects, which might press upon the attention of government? Would he, or could he be expected, under any such circumstances, to offer to his royal consideration any of those most interesting questions, which the necessities, nay, the salvation of the empire, might render indispensible? It is too much for that right honourable gentleman, when arguing upon the possibility or probability of the speedy recovery of his majesty, to assert, that the House of Commons, by barely doing its duty, would retard his amendment, or reproduce the disorder? Is not the only question at issue now, whether the appointment and controul of these officers shall be given to the Prince of Wales or to the queen? The right honourable gentleman says, that he is not actuated on this occasion by any thirst of power. But what difference could there possibly be in the effect on the king's mind, whether the controul and patronage of these offices were left to the queen or given to the Prince of Wales? And when it was contended that such a difference would take place, did not the argument amount to this, that the aversion of his majesty to his son the Prince of Wales was such and so great, that, if told that his son had nominated to these offices, the unwelcome tidings would drive reason from her seat, and consign the king's mind again to darkness and delusion? The right honourable gentleman and several of his colleagues have talked much of the ungraciousness of the power which he holds, and of the thankless nature of the task which his duty compels him to perform; he is not actuated by a lust of power, but by a tender and conscientious solicitude for the preservation of the rights of his infirm master. Regal perturbations, sir, and golden sorrows have long long ago been described in finer and more pathetic language, than the right honourable gentleman has employed; yet, after all we have heard, I am convinced that there is still

lurking in his mind, as there had lurked in the mind of a predecessor of his in a similar situation, (Mr Pitt) unconsciously no doubt, that very passion of which he denies the existence.

"The resolutions," continued Mr Whitbread, "throughout, contain many studied insults to the Prince of Wales. Undoubtedly, so far as relates to the prince, Mr Perceval has observed his own principle of dismissing all consideration of personal character; for he has certainly dismissed every consideration derived from his virtues and character from the view he has taken of the question. But with respect to the other exalted personage, he soon forgot his own precept, appealed from our sense of public duty to our individual feelings, and endeavoured to bias our independent judgement upon this great national question, by bringing home to our consideration the personal sufferings of a sovereign endeared by his many virtues to the affections of all his faithful subjects. 'Consider,' says the right honourable gentleman, 'consider the numerous and exalted virtues of the king—consider the blessings of his long and happy reign—consider all the amiable and beneficent features of his personnal character, and then say, whether you would think it right to curtail his rights, or to bereave him of his accustomed state and splendour?'—Splendour! Good God, what a word to be applied to a person in the unfortunate condition to which his majesty is reduced! Splendour!! Why, the consolation which alone can be effectual for his majesty's ease of mind is not to be sought in external splendour, but in internal tranquillity, and unruffled composure. Comfort and peace of mind he may find in the piety and resignation with which, in the remissions of disease, when the hand of the Almighty ceases to be heavy upon him, he may bear the calamitous visitation with which he has been afflicted; but the splendours of royalty and the parade of state would only serve to render more gloomy, by contrast, all the horrors of his present lamentable situation.

"Every thing, that can contribute to his majesty's convenience, or tend to afford him personal comfort, it is my opinion ought to be provided. And if I could possibly conceive any good effect likely to result from continuing around him in his bed of sickness all the state and splendour of royalty, I should be the last man to object to such an arrangement. But his melancholy condition does not admit of, nay, actually precludes, all external splendour. Comfort—real comfort, on the contrary, it is fully capable of. No man can doubt how consolatory it must be to his majesty, so strongly attached as he is known to be to his old and faithful domestics, on the dawn of revived reason, to look about and find himself surrounded with soothing friends, to encounter on each successive glance faces well known to him in happier moments of mental sanity and health. But I will ask, how has this important part of the comforts of his majesty's unhappy condition been attended to? has every thing been hitherto done to consult his personal convenience and feelings, by placing in attendance upon him those only who are personally acceptable to him, and whose bare presence might have the effect of alleviating the sense of any particular regimen or unavoidable restraint? Upon this subject there are certain rumours afloat, which are not creditable to those, be they who they may, who have taken upon themselves the care of his majesty's person. The

day will, I trust, come when this matter shall be sifted to the bottom. I asked a question upon this subject on a former night, which was rather evaded than answered. I now repeat the question. I call upon the right honourable gentleman opposite to tell me, who has had hitherto the care and custody of his majesty's person? This question may be now evaded as it has been before, but I trust and hope that the House of Commons will not let the matter rest until the whole transaction shall be developed and exposed to the public."

Mr Perceval observed a proper silence upon the question which was thus put to him. Lord Castlereagh spoke in favour of the amendment, and it was carried by a majority of 226 to 213. On the following evening, the resolutions were laid before the house, and Mr Perceval divided the house upon an amendment which went to restore the fifth resolution to its original state, but he was outvoted by three voices,—217 to 214. When these resolutions were communicated to the House of Lords, the Earl of Liverpool said, he should move an amendment upon the fifth. "Nothing," he said, "could be more erroneous than the supposition, that the state officers of the household are unconnected with the domestic comforts of his majesty. The fact is, that there is not a menial servant in the palace, nor any person who in any way administers to the domestic comforts of his majesty, who is not appointed by one of the great officers of the household. All he asked was, that the disposition of the household should be allowed to remain for twelve months with the queen, and he was willing to agree that the great officers should not be removed during that time. It could not hereby be imputed to her majesty, that she could unproperly use any influence, arising out of such an arrangement." *Jan.* 27.

The Marquis of Lansdowne objected to the restrictions, and moved that the words relating to them in the first resolution should be omitted. "Feeling it his duty," he said, "to call upon their lordships to stop *in limine* the proposition, in the extent in which it was offered them; for I do warn your lordships," he continued, "of the evils with which this proposition is fraught; and do say, that the track which you are called upon to pursue, is most dangerous and mischievous; dangerous and mischievous to the crown, to this house, to the community in which we live, and to posterity; all of whose interests it is your duty to protect, for they are interests committed to your care, and, in my humble opinion, can alone be preserved by your lordships' interposition this night. I am of opinion, that no part of the prerogative of the crown, as at present limited by law, can, with safety to the true interests of the state, be dispensed with; and least of all at this time. What was the great point on which our ancestors bestowed, happily for us, so much of their attention, care, and labour, at the period of the revolution? What, but that of restricting the prerogatives of the crown within the narrowest limits possible, consistently with the energy of the state? What have our ancestors been so much employed in, but that of examining the principle on which the prerogatives of the crown were granted? Why, my lords, it would be a little too much to argue, first, that we are right in recognizing the prerogatives of the crown, as settled at the revolution; and then to say, that it becomes use-

less in the hands of a regent, who must have as much occasion for it as the king can have; for it is for the benefit, not of the king, or of the regent, but it is an energy given to the regal power of the sovereignty, for the benefit of the people! It would be a little too much to say, it was useful in the hands of the king, and useless, if not mischievous, in the hands of the regent. No, my lords, it must be always useful or always useless, in the hands of either king or regent; and, surely, the noble earl will not say, there are any circumstances in the present times, or in the present state of affairs in this country, that call for a diminution in the energy of executive authority; or, if the noble earl were to undertake to establish the proposition, that the whole of the prerogatives of the crown ought not to devolve upon the regent, that some of it would be useless, and some mischievous, what course would the noble earl be constrained to take? Why, that the energy of regal authority ought to be different in the hands of the king from that of the regent; that what may be good and useful in the one case, may be mischievous and useless in the other; that what ought to be exerted in full vigour in the one, should be suspended in the other; for that is, really, neither more nor less than the proposition which the noble earl has undertaken to prove.

"The various branches of the legislature, by their reciprocal controul and balance of each other, produce that energy which constitutes the firmness, and that symmetry which constitutes the beauty of that stupendous fabric, called the constitution of England, and upon the preservation of which depends the safety of this country. Much of that safety, in its turn again, depends on the power of the crown, or upon those who have the controul of the crown, or those who exercise the functions of the crown. The question then is, whether the present be a period fit for curtailing the power of the crown? I think it is not; for which reason I am against the proposition of the noble earl, which proposes a curtailment so considerable as that of depriving it of the power of creating peers. With regard to the other house of parliament, it is true, that the regent is to be allowed the power of dissolving that house, but that is the only controul which the crown has: for, over this house, it has no power, and I would venture to ask your lordships, whether you think it decent for you, considering the circumstances of the country, and particularly the present state of the regal power, to emancipate yourselves from the constitutional controul of the crown, which you do by assenting to the restriction against creating peers, by which you tie down and fetter the crown against any power to counterpoise yours, while you allow the crown power over the other house of parliament, by dissolving it. My lords, I am sure that such is far from being your lordships' intention; but I must maintain, that such would be the effect of your lordships' concurring in the vote which is now proposed to you."

Lord Grenville, assenting to the limitations respecting the peerage, objected to the exception in favour of military services. "It was the principle," he said, "it was the glory of this great and happy country, that there was not a man in it, let his situation be however humble, who might not expect to rise by talent into the highest offices of the state. There

was not a peasant's son who might not aspire to sit one day as high as any, even the highest of their lordships. It was in this that the spring and principle was to be found, which supported the people of this country under all the pressure of their burthens. That house received no small share of its splendour from eminent men, who had risen into it from the humble ranks of life. By the resolution, however, making an exception in favour of those who may achieve eminent naval or military services, the path of honour, and the object of laudable ambition was circumscribed. That pride which every Englishman felt in the knowledge of the doctrines which he had just asserted, was suppressed, and the most fatal principles were introduced. Were their lordships prepared thus to circumscribe the path to honour? Were they prepared thus to stigmatize themselves, by establishing so invidious a distinction? Were they prepared to declare, that those who held peerages for civil services, either as legal men or as statesmen, held them by a title less worthy than that of the great and eminent persons who had been justly distinguished for their naval and military achievements? He was sure that he should not be understood as depreciating the merits of the heroes of the country. With the utmost respect for them, he was not ready to say, that their professions were exclusively the most honourable or the most advantageous. There were other means of rising to rank in the peerage, and those perhaps not inferior to military and naval distinction. No man could think lightly of the merit which had placed the Duke of Marlborough, or the representative of Lord Nelson, in that house. But the son of Lord Chatham need not shrink before either of them in point of paternal glory. Was the peerage, then, to be confined to military and naval merit? If the prince chose to find a suitable depositary for the seals, no doubt he might find able characters in that house; but was he to be prevented from looking for a proper person among other classes of his majesty's subjects?"

Lord Lansdowne's amendment was carried by a majority of three,—105 to 102. When the second resolution was put to the vote, Lord Liverpool, in conformity to Lord Grenville's opinion, moved an amendment, omitting the exception in favour of military services, and the resolution passed by a majority of six. The third and fourth were agreed to without a division. The fifth passed as it came from the Commons, the amendment being negatived by 100 to 97. When the resolutions were reported, Lord Liverpool said, he should move to restore the words which the committee had agreed to leave out in the first resolution; but the Marquis of Lansdowne replied, that as two distinct restrictions had since been voted, by which means the resolutions would appear inconsistent, he would wave any opposition, retaining, however, his expressed opinion to its full extent. The resolutions, therefore, passed the Lords in the same form as they came from the Commons, except in the point relating to military service; and this amendment was afterwards agreed to in the Commons, without any objection.

These preliminary measures having been thus settled, a deputation from both houses waited on the prince and the queen, to acquaint them with the resolutions which had been passed. The queen answered, that "that sense

of duty and gratitude to the king, and of obligation to the country, which induced her in 1789 readily to promise her most earnest attention to the anxious and momentous trust at that time intended to be reposed in her by parliament, had been strengthened, if possible, by the uninterrupted enjoyment of those blessings which she had continued to experience under the protection of his majesty since that period; and she should be wanting to all her duties, if she hesitated to accept the sacred trust which was now offered to her. The assistance, in point of council and advice, which the wisdom of parliament proposed to provide for her, made her undertake the charge with greater hopes of being able satisfactorily to fulfil the important duties which it must impose upon her. Of the nature and importance of that charge," said her majesty, "I cannot but be duly sensible, involving as it does every thing which is valuable to myself, as well as the highest interests of a people, endeared to me by so many ties and considerations, but by nothing so strongly as by their steady, loyal, affectionate attachment to the best of kings."

The prince's reply manifested, but in a dignified manner, his displeasure at the course which had been pursued. It was in these words: "My Lords and Gentlemen,—I receive the communication which the two houses have directed you to make to me, of their joint resolutions, on the subject of providing for 'the exercise of the royal authority, during his majesty's illness,' with those sentiments of regard which I must ever entertain for the united desires of the two houses.

"With the same sentiments I receive the expressed 'hopes of the Lords and Commons, that from my regard for the interest of his majesty and the nation, I should be ready to undertake the weighty and important trust proposed to be invested in me,' under the restrictions and limitations stated in those resolutions.

"Conscious that every feeling of my heart would have prompted me, from dutiful affection to my beloved father and sovereign, to have shown all the reverential delicacy towards him inculcated in those resolutions, I cannot refrain from expressing my regret, that I should not have been allowed the opportunity of manifesting to his afflicted and loyal subjects that such would have been my conduct.

"Deeply impressed, however, with the necessity of tranquillizing the public mind, and determined to submit to every personal sacrifice consistent with the regard I owe to the security of my father's crown, and the equal regard I owe to the welfare of his people, I do not hesitate to accept the office and situation proposed to me, restricted as they are, still retaining every opinion expressed by me upon a former and similar distressing occasion.

"In undertaking the trust proposed to me, I am well aware of the difficulties of the situation in which I shall be placed; but I shall rely with confidence upon the constitutional advice of an enlightened parliament, and the zealous support of a generous and loyal people. I will use all the means left to me to merit both.

"My Lords and Gentlemen,—You will communicate this my answer to the two houses, accompanied by my most fervent wishes and prayers, that the Divine Will may extricate us and the nation from the grievous embarrassments of our present condition,

by the speedy restoration of his majesty's health."

Lord Liverpool now moved a resolution for putting the great seal to a commission for opening the parliament. Earl Grey, who had been absent during the previous proceedings, protested against them in the strong language of his party, accusing ministers of flagrant usurpation, and of grossly violating the constitution. The resolution passed upon a division of 51 to 33. It passed the Commons, and on January 15th, the session was opened under the regency by this commission.

Jan. 11.

APPENDIX.

APPENDIX.

STATE PAPERS.

No. I.

List of Public Acts, passed in the Fourth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland—50th of George III.

1. An Act for continuing to his Majesty certain duties on malt, sugar, tobacco, and snuff, in Great Britain; and on pensions, offices, and personal estates in England, for the service of the year 1810.

2. Act for raising the sum of 10,500,000l. by Exchequer bills, for the service of Great Britain, for the year 1810.

3. Act for raising the sum of 1,500,000l. by Exchequer bills, for the service of Great Britain, for the year 1810.

4. Act to indemnify such persons in the united kingdom as have omitted to qualify themselves for offices and employments, and for extending the times limited for those purposes respectively, until the 25th day of March, 1811; and to permit such persons in Great Britain as have omitted to make and file affidavits of the execution of indentures of clerks to attorneys and solicitors, to make and file the same on or before the 1st day of Hilary Term, 1811.

5. Act to prohibit the distillation of spirits from corn or grain in Great Britain for a limited time; and to continue, until four months after the expiration of such prohibition, an act of the last session of parliament, to suspend the importation of British or Irish made spirits into Great Britain or Ireland respectively.

6. Act to enable his Royal Highness George Prince of Wales to grant leases of certain lands and premises called Prince's Meadows, in the parish of Lambeth, in the county of Surrey, parcel of his said royal highness's duchy of Cornwall, for the purpose of building thereon.

7. Act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

8. Act for settling and securing a certain annuity on Viscount Wellington, and the two next persons to whom the title of Viscount Wellington shall descend, in consideration of his eminent services.

9. Act to continue, until the 25th day of March, 1811, so much of an act of the 47th year of his Majesty as allows a bounty on British plantation raw sugar exported.

10. Act for making perpetual certain of the provisions of an act of the fifth year of King George the first, for preventing the clandestine running of uncustomed goods, and for preventing frauds relating to the customs.

11. Act to continue, until the 25th day of March, 1815, several laws relating to the encouragement of the Greenland whale fisheries.

12. Act to continue, until the twenty-fifth day of March, 1812, an act made in the forty-sixth year of his present Majesty, for permitting the importation of masts, yards, bowsprits, and timber for naval purposes, from the British colonies in North America, duty free.

13. Act to continue an act, made in the forty-fourth year of his present Majesty, for permitting the exportation of salt from the port of Nassau in the Island of New Providence, the port of Exuma and the port of Crooked Island in the Bahama Islands, in American ships coming in ballast; and to amend and continue an act made in the forty-eighth year of his present Majesty, for permitting sugar and coffee to be exported from his Majesty's colonies or plantations to any port in Europe to the southward of Cape Finisterre, and corn to be imported from such port, and from the coast of Africa, into the said colonies and plantations, until the twenty-fifth day of March, 1813.

14. Act for the regulation of his Majesty's royal marine forces while on shore.

15. Act to grant to his Majesty duties upon spirits made or distilled in Ireland from corn; to allow certain drawbacks on the exportation thereof; to make further regulations for the encouragement of licensed distillers; and for amending the laws relating to the distillery in Ireland.

16. Act for further continuing, until the twenty-fifth day of March, 1811, an act of the forty-first year of his present Majesty, for prohibiting the exportation from Ireland, and for permitting the importation into Ireland, duty-free, of corn and other provisions.

17. Act to continue, until the 25th day of March, 1811, an act for regulating the drawbacks and bounties on the exportation of sugar from Ireland.

18. Act for further continuing, until the 25th day of March, 1811, certain bounties and drawbacks on the exportation of sugar from Great Britain; and for suspending the countervailing duties and bounties on sugar, when the duties imposed by an act of the 16th year of his present Majesty shall be suspended.

19. Act for further continuing, until the 25th day of March, 1811, an act made in the 39th year of his present Majesty, for prohibiting the exportation from, and permitting the importation to Great Britain of corn, and for allowing the importation of other articles of provision, without payment of duty.

20. Act for removing doubts as to the power of appointing superintendants of quarantine, and their assistants.

21. Act for amending and continuing so amended, until the 25th day of March, 1812, an act of the 45th year of his present Majesty, for consolidating and extending the several laws in force, for allowing the importation and exportation of certain goods and merchandize into and from certain ports in the West Indies.

22. Act for authorising the lords commissioners of the treasury to pur-

chase certain quays within the port of London.

23. Act for granting annuities to discharge certain Exchequer bills.

24. Act to amend an act, passed in the last session of Parliament, for completing the militia of Great Britain; and to make further provision for completing the said militia.

25. Act to amend several acts, relating to the local militia of Great Britain.

26. Act for granting a duty on foreign plain linen taken out of warehouse and exported to foreign parts.

27. Act to continue, until the 25th day of March, 1831, certain acts made in the Parliament of Ireland, for the better regulation of the silk manufacture.

28. Act for increasing the rates of subsistence to be paid to innkeepers and others on quartering soldiers.

29. Act to amend an act of the last session of Parliament, for amending the Irish road acts.

30. Act to regulate the fees payable to coroners in Ireland, upon holding inquisitions.

31. Act for augmenting the salaries of the Lords of Session, Lords Commissioners of Justiciary, and Barons of Exchequer in Scotland, and Judges in Ireland.

32. Act to repeal certain parts of several acts of the Parliament of Ireland, so far as relates to the limiting the number of persons to be carried by stage coaches or other carriages; for enacting other limitations in lieu thereof; and for other purposes relating thereto.

33. Act for enabling tenants in tail and for life, and also ecclesiastical persons, to grant land for the purpose of endowing schools in Ireland.

34. Act for allowing the exportation of British and Irish made malt from one part of the united kingdom to the other.

35. Act for altering the mode of collecting the duty on insurances against loss by fire, upon property in his Majesty's islands and possessions in the West Indies, and elsewhere beyond the seas; and for exempting certain bonds and receipts from stamp duty, for giving relief in certain cases of stamps spoiled or misused, and for explaining part of an act passed in the 48th year of his Majesty's reign, for granting stamp duties in Great Britain.

36. Act for granting annuities to discharge an additional number of Exchequer bills.

37. Act for enabling his Majesty to settle an annuity on his Serene Highness the Duke of Brunswick Wolfenbuttel.

38. Act to extend the provisions of an act passed in the 48th year of his present Majesty's reign, intituled, 'An act to permit certain Goods imported into Ireland to be warehoused or secured without the Duties due on the Importation thereof being first paid,' and to amend the same.

39. Act for repaying in certain cases the duty paid on the export of foreign plain linen.

40. Act for discontinuing the bounty on exportation of oil of vitriol, and allowing a drawback of a proportion of the duties paid on the importation of foreign brimstone used in making oil of vitriol.

41. Act for placing the duties of hawkers and pedlars under the management of the commissioners of hackney coaches.

42. Act for consolidating the duties of customs for the Isle of Man,

and for placing the same under the management of the commissioners of customs in England.

43. Act for maintaining and keeping in repair roads made and bridges built in Scotland, under the authority of the parliamentary commissioners for Highland roads and bridges.

44. Act to provide for a durable allowance of superannuation to the officers of excise in Scotland, under certain restrictions.

45. Act for raising the sum of 12,000,000l. by way of annuities.

46. Act for encouraging the consumption of malt liquor in Ireland.

47. Act to extend and amend the provisions of an act made in the 37th year of his present Majesty, for the relief and maintenance of insolvent debtors detained in prison in Ireland.

48. Act to repeal three acts, made in the 28th, 30th, and 46th year of his present Majesty, for limiting the number of persons to be carried on the outside of stage coaches or other carriages, and to enact other regulations for carrying the objects of the said acts into effect.

49. Act to amend the laws for the relief of the poor, so far as relate to the examining and allowing the accounts of churchwardens and overseers by justices of the peace.

50. Act to explain and amend an act made in the last session of Parliament, relating to the relief and employment of the poor, so far as relates to the more effectual carrying the same into execution; and to extend the provisions thereof to parishes which shall not have adopted the provisions of an act of the 22d year of his present Majesty, for the better relief and employment of the poor.

51. Act to repeal so much of an act passed in the 7th year of King James the first, as relates to the punishment of women delivered of bastard children; and to make other provisions in lieu thereof.

52. Act to amend so much of an act, passed in the eighth and ninth year of King William the third, as requires poor persons receiving alms to wear badges.

53. Act for preventing frauds relating to the exportation of British and Irish made malt from one part of the United Kingdom to the other.

54. Act to revive and continue, until the 25th day of March, 1811, an act of the 39th year of his present Majesty, for the more effectual encouragement of the British fisheries.

55. Act to prohibit the importation of Italian silk crapes and tiffanies, and to increase the shares of seizures payable to officers in respect of foreign wrought silks and foreign manufactured leather gloves.

56. Act to explain and amend an act passed in the last session of Parliament, for continuing and making perpetual several duties of one shilling and sixpence in the pound, repealed by an act of the last session of Parliament, on offices and employments of profits, and on annuities, pensions and stipends.

57. Act to revive and continue, until the 25th day of March, 1815, an act of the 23d year of his present Majesty, for the more effectual encouragement of the manufacture of flax in Great Britain.

58. Act to amend several acts for the redemption and sale of the land tax.

59. Act for more effectually preventing the embezzlement of money, or securities for money, belonging to the public, by any collector, receiver, or other person intrusted with the receipt, care, or management thereof.

60. Act for permitting the exportation to Newfoundland of foreign salt, duty free, from the import warehouses at the port of Bristol; and for repealing so much of an act of the last session as allows salt, the produce of any part of Europe south of Cape Finisterre, to be shipped in any port of Europe direct to certain ports in North America.

61. Act for making sugar and coffee, of Guadaloupe, Saint Eustatia, Saint Martin, and Saba, liable to the same duty on importation as sugar and coffee, not of the British plantations.

62. Act for the more effectual prevention of smuggling in the Isle of Man.

63. Act to enable his Majesty to authorise the exportation of the machinery necessary for erecting a mint in the Brazils.

64. Act to permit the removal of goods, wares, and merchandize, from the port in Great Britain where first warehoused, to any other warehousing port, for the purpose of exportation.

65. Act for uniting the offices of surveyor-general of the land revenues of the crown, and surveyor-general of his Majesty's woods, forests, parks, and chases.

66. Act to authorise the judge-advocate-general to send and receive letters and packets free from the duty of postage.

67. Act for the better preservation of heath fowl commonly called black game, in the counties of Somerset and Devon.

68. Act for raising the sum of 1,400,000l., by way of annuities, for the service of Ireland.

69. Act for raising the sum of 6,000,000l., by Exchequer bills, for the service of Great Britain, for the year 1810.

70. Act to enable the commissioners of his Majesty's treasury to issue Exchequer bills, on the credit of such aids or supplies as have been or shall be granted by Parliament for the service of Great Britain, for the year 1810.

71. Act for appropriating part of the surplus of the stamp duties granted in the 48th year of his present Majesty, for defraying the charges of the loan made and stock created in the present session of Parliament.

72. Act for improving and completing the harbour on the north side of the Hill of Howth, near Dublin, and rendering it a fit situation for his Majesty's packets.

73. Act to alter, explain, and amend the laws now in force respecting the trade of bakers, residing out of the city of London or the liberties thereof, or beyond ten miles of the Royal Exchange.

74. Act to grant to his Majesty certain additional duties upon letters and packets sent by the post within Ireland.

75. Act to grant to his Majesty an additional duty on dwelling-houses in Ireland, in respect of the windows or lights therein.

76. Act to repeal certain duties under the care of the commissioners for managing the stamp duties in Ireland, and to grant new and additional duties, and to amend the laws relating to the stamp duties in Ireland.

77. Act for imposing additional duties of customs on certain species of wood imported into Great Britain.

78. Act to repeal an act made in the forty-seventh year of his present Majesty, for suppressing insurrection,

and preventing the disturbances of the public peace in Ireland.

79. Act for regulating the continuance of licences for distilling spirits from sugar in the Lowlands of Scotland.

80. Act for reviving and further continuing, until the 25th day of March, 1811, several laws for allowing the importation of certain fish from Newfoundland and the coast of Labrador, and of certain fish from parts of the coast of his Majesty's North American colonies, and for granting bounties thereon.

81. Act to continue, until the first day of August, 1811, certain acts for appointing commissioners to enquire into the fees, gratuities, perquisites, and emoluments received in several public offices in Ireland, to examine into any abuses which may exist in the same, and into the mode of receiving, collecting, issuing, and accounting for public money in Ireland.

82. Act to amend the laws relative to the sale of flax seed and hemp seed in Ireland.

83. Act to repeal several acts respecting the woollen manufacture, and for indemnifying persons liable to any penalty for having acted contrary thereto.

84. Act for augmenting parochial stipends, in certain cases, in Scotland.

85. Act to regulate the taking of securities in all offices, in respect of which security ought to be given; and for avoiding the grant of all such offices, in the event of such security not being given within a time to be limited after the grant of such office.

86. Act to amend two acts passed in the thirty-ninth and forty-third years of his present Majesty, for regulating the manner in which the East India Company shall hire and take up ships.

87. Act to amend two acts, relating to the raising men for the service of the East India Company; and the quartering and billetting such men; and to trials by regimental courts martial.

88. Act to make provisions for a limited time respecting certain grants of offices.

89. Act for defraying, until the 25th day of March, 1811, the charge of the pay and clothing of the militia of Ireland, and for making allowances in certain cases to subaltern officers of the said militia during peace.

90. Act for defraying the charge of the pay and clothing of the militia and local militia in Great Britain for the year 1810.

91. Act to revive and continue, until the 25th day of March, 1811, and amend so much of an act made in the thirty-ninth and fortieth year of his present Majesty, as grants certain allowances to adjutants and serjeant majors of the militia of England disembodied under an act of the same session of parliament.

92. Act for making allowances in certain cases to subaltern officers of the militia in Great Britain, while disembodied.

93. Act for the improving and completing the harbour of Holyhead, in the Isle of Anglesea.

94. Act for granting to his Majesty a sum of money to be raised by lotteries.

95. Act to enable the corporation for preserving and improving the port of Dublin, to erect, repair, and maintain lighthouses round the coasts of Ireland, and to raise a fund for defraying the charge thereof.

96. Act to amend an act passed in this session of Parliament, intituled, "An Act for increasing the Rates of Subsistence to be paid to Innkeepers and others, on quartering Soldiers."

97. Act to continue, until the fifth day of July, 1811, and to amend several acts for granting certain rates and duties, and for allowing certain drawbacks and bounties on goods, wares, and merchandize imported into and exported from Ireland; and to grant to his Majesty, until the said fifth day of July, 1811, certain new and additional duties on the importation, and to allow drawbacks on the exportation of certain goods, wares, and merchandize into and from Ireland.

98. Act for raising the sum of 216,000l., by Treasury bills, for the service of Ireland, for the year 1810.

99. Act to amend the several acts relating to the making of malt, and the granting of permits and certificates, and the regulations of braziers, and of persons employing more than one still in Ireland.

100. Act for respiting certain fines imposed on stills in Ireland.

101. Act for confirming an agreement for the purchase of the prisage and butlerage of wines in Ireland, entered into by the commissioners of his Majesty's Treasury in Ireland, and the Right Honourable Walter Earl of Ormonde and Ossory and his trustees, in pursuance of an act made in the forty-sixth year of his present Majesty's reign.

102. Act for the more effectually preventing the administering and taking of unlawful oaths in Ireland; and for the protection of magistrates and witnesses in criminal cases.

103. Act for repealing the several laws relating to prisons in Ireland, and for re-enacting such of the provisions thereof as have been found useful, with amendments.

104. Act for altering the amount of certain duties of assessed taxes granted by an act passed in the forty-eighth year of his present Majesty's reign, and for granting to his Majesty certain other duties of assessed taxes on the articles therein mentioned.

105. Act to regulate the manner of making surcharges of the duties of assessed taxes, and of the tax upon the profits arising from property, professions, trades, and offices, and for amending the acts relating to the said duties respectively.

106. Act for regulating the manner of assessing lands in certain cases to the duties arising from the profits of property, professions, trades, and offices, and for giving relief from the said duties on occasion of losses in other cases therein mentioned.

107. Act to regulate the examination and payment of assignments for clothing of his Majesty's forces.

108. Act to amend and enlarge the powers of an act passed in the second year of his present Majesty, for the encouragement of the fisheries of this kingdom, and the protection of the persons employed therein.

109. Act to continue for two years, and from thence until the end of the then next session of parliament, and amend an act made in the forty-seventh year of his present Majesty, for the preventing improper persons from having arms in Ireland.

110. Act to allow, until the first day of August, 1811, the bringing of coals, culm, and cinders to London and Westminster by inland navigation.

111. Act to limit the amount of pensions to be granted out of the civil list of Scotland.

112. Act for abridging the form of extracting decrees of the Court of Session in Scotland, and for the regulation of certain parts of the proceedings of that court.

113. Act for enabling his Majesty to raise the sum of 3,000,000l., for the service of Great Britain.

114. Act for granting to his Majesty a sum of money, to be raised by Exchequer bills, and to be advanced and applied in the manner and upon the terms therein mentioned, for the relief of the united company of merchants of England trading to the East Indies.

115. Act for granting to his Majesty certain sums of money out of the consolidated fund of Great Britain, and for applying certain monies therein mentioned, for the service of the year 1810; and for further appropriating the supplies granted in this session of Parliament.

116. Act to extend and amend the term and provisions of an act of the thirty-ninth and fortieth year of his present Majesty, for the better preservation of timber in the New Forest, in the county of Southampton, and for ascertaining the boundaries of the said forest, and of the lands of the crown within the same.

117. Act to direct that accounts of increase and diminution of public salaries, pensions, and allowances, shall be annually laid before Parliament, and to regulate and controul the granting and paying of such salaries, pensions, and allowances.

118. Act for regulating the offices of registers of Admiralty and Prize Courts.

119. Act for further amending and enlarging the powers of an act of the forty-sixth year of his present Majesty, for consolidating and rendering more effectual the several acts for the purchase of buildings, and further improvement of the streets and places near to Westminster Hall and the two houses of Parliament.

No. II.

Treaty between Napoleon and Louis Buonaparte.

His Majesty the Emperor of the French, King of Italy, Protector of the League of the Rhine, and Mediator of the Swiss Confederacy, and his Majesty the King of Holland, being desirous of terminating the differences that have arisen between them, and of making the independence of Holland harmonize with the new circumstances wherein the English orders in council of 1807 have placed all the maritime powers, have agreed to come to a mutual understanding thereon, and to that end have nominated as their plenipotentiaries, viz. his Majesty the Emperor of France, &c. the Sieur John Baptiste Nompere, Count de Champagny, Duke of Cadore, Grand Eagle of the Legion of Honour, &c., his Majesty's Minister for Foreign Affairs, &c.; and his Majesty the King of Holland, Charles Henry Verheuil, Admiral of Holland, Grand Eagle of the Legion of Honour, Grand Cross of the Dutch Order of Union, his Majesty's Ambassador to the Emperor and King; who, after exchanging their full powers, have agreed upon the following articles:

Art. I. Until the English government shall have solemnly abrogated the restrictions contained in its orders in council of 1807, all commerce whatsoever is prohibited between the ports of England and the ports of Holland. Should there be reasons for granting licences, those only shall be

valid which are delivered in the name of the Emperor.

II. A corps of 18,000 men, of which 3000 shall be cavalry, and consisting of 6,000 French and 12,000 Dutch, shall be placed at all the mouths of the rivers, together with officers of the French customs, to see that the contents of the foregoing article are carried into complete effect.

III. These troops shall be paid, fed, and clothed by the Dutch government.

IV. All vessels violating the first article, that may be taken on the Dutch coast by French men of war, or privateers, shall be declared good prizes; and in case of any doubt arising, such difficulty can alone be decided upon by his Majesty the Emperor.

V. The restrictions contained in the above articles shall be revoked, as soon as England shall have solemnly revoked her orders in council of 1807; and from that instant the French troops shall evacuate Holland, and restore to her the full enjoyment of her independence.

VI. Inasmuch as it has been adopted as a constitutional principle in France, that the *thalweg* of the Rhine forms the boundary of the French empire; and as the dock-yards of Antwerp are, by the present state of the boundaries between the two countries, unprotected and exposed, his Majesty the King of Holland cedes to his Majesty the Emperor of the French, King of Italy, &c., Dutch Brabant, the whole of Zealand, including therein the Isle of Schouwen, that part of Guelderland which is situate on the left bank of the Waal; so that henceforth the boundary between France and Holland shall be the *thalweg* of the Waal, from the fort of Schenkens, leaving on the left bank Nymeguen, Bommel, and Wondrichem; then the principal stream of the Merwe, which runs into the Biesboch, through which, and also through the Hollandsch Diep, and the Wolkerak, the line of demarcation shall be continued, until it reach the sea at Bieningen or Gravelingen, leaving on the left the Isle of Schouwen.

VII. Each of the ceded provinces shall be released from all debts not incurred for its own interests, sanctioned by its particular government, and funded upon its territory.

VIII. His Majesty the King of Holland, in order to co-operate with the force of the French Empire, shall have afloat a squadron of nine sail of the line and six frigates, armed and provided with six months stores, and ready to put to sea by the 1st day of June next ensuing; and also a flotilla of 100 gun-boats, or other armed vessels. This force shall, during the whole period of the war, be maintained and kept in constant readiness.

IX. The revenues of the ceded provinces shall belong to Holland until the day of the exchange of the ratifications of the present treaty. Until the same day the King of Holland shall defray all the charges of their administration.

X. All the merchandize imported by American vessels that have arrived in the ports of Holland since the 1st of Feb. 1809, shall be put under sequestration, and made over to France, in order to her disposing thereof according to the circumstances and the state of her political relations with the United States.

XI. All merchandize of English manufacture is prohibited in Holland.

XII. Measures of police shall be adopted, for the purpose of strictly

watching and taking into custody all insurers of prohibited traffic, all smugglers, their abettors, &c. In a word, the Dutch government pledges itself to extirpate the contraband trade.

XIII. No depot of goods prohibited in France, and that may give a colour to contraband traffic, can be established within a distance of four leagues from the line of the French custom-houses; and in case of trespass, all such depots shall be subject to seizure, though upon the Dutch territory.

XIV. With the reserve of these restrictions, and so long as they shall be in operation, his Majesty the Emperor shall suspend the prohibitory decree which shuts the frontier barriers between Holland and France.

XV. Fully confiding in the manner in which the engagements resulting from the present treaty shall be executed, his Majesty the Emperor and King guarantees the integrity of the Dutch possessions, such as they shall be pursuant to this treaty.

XVI. The present treaty shall be ratified, and the ratifications exchanged at Paris, within the period of fifteen days, or sooner, if possible.

Done at Paris, this 16th of March, 1811. (Signed)

CHAMPAGNY, Duke of Cadore.

The Admiral VERHEUIL.

No III.

Decree for annexing Holland to France.

Palace of Rambouillet, July 9th, 1810.

We, Napoleon, Emperor of the French, King of Italy, Protector of the Confederation of the Rhine, Mediator of the Swiss Confederation, &c. &c., have decreed, and hereby decree, as follow :—

TITLE I.

ART. 1. Holland is united to France.

2. The city of Amsterdam shall be the third city of the empire.

3. Holland shall have six senators, six deputies to the Council of State, 25 deputies to the Legislative Body, and two judges in the Court of Cassation.

4. The officers by sea and land, of whatever rank, shall be confirmed in their employments. Commissions shall be delivered to them signed with our hand. The royal guard shall be united to our imperial guard.

TITLE II.—Of the Administration for 1810.

5. The Duke of Placentia, arch-treasurer of the empire, shall repair to Amsterdam in the capacity of our lieutenant-general. He shall preside in the council of ministers, and attend to the dispatch of business. His functions shall cease the 1st of January, 1811, the period when the French administration shall commence.

6. All the public functionaries, of whatever rank, are confirmed in their employments.

TITLE III.—Of the Finances.

7. The present contributions shall continue to be levied until the first of January, 1811, at which period the country shall be eased of that burden, and the imposts put on the same footing as for the rest of the empire.

8. The budget of receipts and disbursements shall be submitted to our approbation before the 1st of August next.

Only one third of the present amount of interest upon the public debt shall be carried to the account of expenditure for 1810.

The interest of the debt for 1808 and 1809, not yet paid, shall be reduced to one third, and charged on the budget of 1810.

9. The custom-houses on the frontier, other than those of France, shall be organised under the superintendance of our director-general of the custom-houses. The Dutch custom-houses shall be incorporated therewith.

The line of custom-houses, now on the French frontier, shall be kept up until the 1st of January, 1811, when it shall be removed, and the communication of Holland with the empire become free.

10. The colonial produce, actually in Holland, shall remain in the hands of the owners, upon paying a duty of 50 per cent. ad valorem. A declaration of the amount shall be made before the 1st of September at farthest.

The said merchandize, upon payment of the duties, may be imported into France, and circulated through the whole extent of the empire.

TITLE IV.

11. There shall be at Amsterdam a special administration, presided over by one of our counsellors of state, which shall have the superintendance of, and the necessary funds to provide for the repairs of the dikes, polders, and other public works.

TITLE V.

12. In the course of the present month there shall be nominated, by the Legislative Body of Holland, a commission of 15 members, to proceed to Paris, in order to constitute a council, whose business shall be to regulate definitively all that relates to the public and local debts, and to conciliate the principles of the union with the localities and interests of the country.

13. Our ministers are charged with the execution of the present decree.

(Signed) NAPOLEON.

By the Emperor.

(Signed) The Minister Sec. of State,
H. B. Duke of BASSANO.

No. IV.

Act of Election of the Prince of Ponte Corvo (General Bernadotte) to be Crown Prince. Dated at Stockholm, September 1, 1810.

We, the undersigned, States-General of the kingdom of Sweden, Counts, Barons, Bishops, Representatives of the Nobility, Clergy, Burghers, and Peasants, assembled in the Extraordinary Diet at Orebro, make known, that his Royal Highness Prince Charles Augustus of Schleswig Holstein Augustenburg, elected Prince Royal of Sweden, of the Goths and Vandals, being deceased without heirs male, and judging that it is our duty to prevent and to avert the danger to the independence and tranquillity of the kingdom, as well as to the rights and privileges of its inhabitants, which might result from a vacancy of the throne, and a consequent election; exercising, at the same time, the power which is reserved to us by the ninety-fourth article of the constitution of the 6th of June, 1809, of electing in such case a new dynasty;—for these reasons, and considering that the High and Mighty Prince and Lord Jean Baptiste Jule Bernadotte, Prince of Ponte Corvo, is endowed with virtues and qualities which give us the well-founded hope of enjoying under the reign of that prince a good administration and prosperity, the fruits of a legal, energetic, and bene-

ficent government, We, the States-General of Sweden, upon the proposition of our august King now reigning, under condition that the said Prince and Lord the Prince of Ponte Corvo have, before his arrival on the Swedish territory, embraced the evangelical Lutheran religion, and signed the conditions drawn up by us, have voluntarily elected, by free and unanimous suffrage, for ourselves and our descendants, the High and Mighty Prince Jean Baptiste Jule Bernadotte, Prince of Ponte Corvo, to the dignity of Prince Royal of Sweden, to reign in Sweden and its dependencies after the decease of our present august sovereign (whose days may the Almighty prolong!) to be crowned King of Sweden, and receive the oath of fidelity; in short, to govern the kingdom according to the literal sense of the constitution of the 6th of June, 1809, and of the other laws in force, as well fundamental as general and special, the whole conformable to the answers which his royal highness shall now give, and afterwards at his accession to the throne. We also confer on the legitimate male descendants of his royal highness, the right of filling the throne of Sweden, in the order and manner which are literally prescribed in the law of succession which we have established.—We, the States-General of Sweden, have, in consequence, confirmed the present act of election, by the signature of our names and affixing our seals.—Done at Orebro, the 21st of August, in the year of the Christian era 1810.

No. V.

Treaty of Amity, Commerce, and Navigation between his Britannic Majesty and his Royal Highness the Prince Regent of Portugal.—Signed at Rio de Janeiro, the 19th of February, 1810.

In the name of the most holy and undivided Trinity.

His Majesty the King of the united kingdom of Great Britain and Ireland, and his Royal Highness the Prince Regent of Portugal, being equally animated with the desire, not only of consolidating and strengthening the ancient friendship and good understanding which so happily subsist, and have during so many ages subsisted between the two crowns, but also of improving and extending the beneficial effects thereof to the mutual advantage of their respective subjects, have thought that the most efficacious means for obtaining these objects would be to adopt a liberal system of commerce, founded upon the basis of reciprocity and mutual convenience, which by discontinuing certain prohibitions and prohibitory duties might procure the most solid advantages on both sides to the national productions and industry, and give due protection at the same time to the public revenue, and to the interests of fair and legal trade. For this end, his Majesty the King of the united kingdom of Great Britain and Ireland, and his Royal Highness the Prince Regent of Portugal, have named for their respective Commissioners and Plenipotentiaries, to wit, his Britannic Majesty, the most illustrious and most Excellent Lord Percy Clinton Sydney, Lord Viscount and Baron of Strangford, one of his Majesty's most Honourable Privy Council, Knight of the Military Order of the Bath, Grand Cross of the Portugueze Order of the Tower and Sword, and his Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of Portugal; and

his Royal Highness the Prince Regent of Portugal, the most illustrious and most Excellent Lord Dom Rodrigo de Sousa Couttinho, Count of Linhares, Lord of Payalvo, Commander of the Order of Christ, Grand Cross of the Orders of St Bento and of the Tower and Sword, one of his Royal Highness's Council of State, and his Principal Secretary of State for the Departments of Foreign Affairs and War; who, after having duly exchanged their respective full powers, and having found them in good and due form, have agreed upon the following articles.

ART. I. There shall be a sincere and perpetual friendship between his Britannic Majesty and his Royal Highness the Prince Regent of Portugal, and between their heirs and successors; and there shall be a constant and universal peace and harmony between themselves, their heirs and successors, kingdoms, dominions, provinces, countries, subjects, and vassals, of whatsoever quality or condition they be, without exception of person or place; and the stipulations of this present article shall, under the favour of Almighty God, be permanent and perpetual.

II. There shall be reciprocal liberty of commerce and navigation between and amongst the respective subjects of the two high contracting parties in all and several the territories the dominions of either. They may trade, travel, sojourn, or establish themselves in all and several the ports, cities, towns, countries, provinces, or places whatsoever belonging to each and either of the two high contracting parties, except and save in those from which all foreigners whatsoever are generally and positively excluded, the names of which places may be hereafter specified in a separate article of this treaty. Provided, however, that it be thoroughly understood, that any place belonging to either of the two high contracting parties, which may hereafter be opened to the commerce of the subjects of any other country, shall thereby be considered as equally opened, and upon correspondent terms, to the subjects of the other high contracting party, in the same manner as if it had been expressly stipulated by the present treaty. And his Britannic Majesty, and his Royal Highness the Prince Regent of Portugal, do hereby bind and engage themselves not to grant any favour, privilege, or immunity, in matters of commerce and navigation, to the subjects of any other state, which shall not be also at the same time respectively extended to the subjects of the high contracting parties, gratuitously, if the concession in favour of that other state should have been gratuitous, and on giving *quam proxime*, the same compensation or equivalent, in case the concession should have been conditional.

III. The subjects of the two sovereigns respectively shall not pay in the ports, harbours, roads, cities, towns, or places whatsoever, belonging to either of them, any greater duties, taxes, or imposts, (under whatsoever names they may be designated or included) than those that are paid by the subjects of the most favoured nation; and the subjects of each of the high contracting parties shall enjoy within the dominions of the other the same rights, privileges, liberties, favours, immunities, or exemptions, in matters of commerce and navigation, that are granted, or may hereafter be granted, to the subjects of the most favoured nation.

IV. His Britannic Majesty, and

his Royal Highness the Prince Regent of Portugal, do stipulate and agree, that there shall be a perfect reciprocity on the subject of the duties and imposts to be paid by the ships and vessels of the high contracting parties within the several ports, harbours, roads, and anchoring places belonging to each of them; to wit, that the ships and vessels of the subjects of his Britannic Majesty shall not pay any higher duties or imposts (under whatsoever name they be designated or implied) within the dominions of his Royal Highness the Prince Regent of Portugal, than the ships and vessels belonging to the subjects of his Royal Highness the Prince Regent of Portugal shall be bound to pay within the dominions of his Britannic Majesty, and *vice versa*. And this agreement and stipulation shall particularly and expressly extend to the payment of the duties known by the name of port charges, tonnage, and anchorage duties, which shall not in any case, or under any pretext, be greater for British ships and vessels within the dominions of his Royal Highness the Prince Regent of Portugal, than for Portugueze ships and vessels within the dominions of his Britannic Majesty, and *vice versa*.

V. The two high contracting parties do also agree, that the same rates of bounties and drawbacks shall be established in their respective ports upon the exportation of goods and merchandizes, whether those goods or merchandizes be exported in British or in Portugueze ships and vessels; that is, that British ships and vessels shall enjoy the same favour in this respect within the dominions of his Royal Highness the Prince Regent of Portugal, that may be shown to Portugueze ships and vessels within the dominions of his Britannic Majesty, and *vice versa*. The two high contracting parties do also covenant and agree, that goods and merchandizes coming respectively from the ports of either of them, shall pay the same duties, whether imported in British or in Portugueze ships or vessels, or otherwise; that an increase of duties may be imposed and exacted upon goods and merchandizes coming into the ports of the dominions of his Royal Highness the Prince Regent of Portugal from those of his Britannic Majesty in British ships, equivalent, and in exact proportion to any increase of duties that may hereafter be imposed upon goods and merchandizes coming into the ports of his Britannic Majesty from those of his Royal Highness the Prince Regent of Portugal, imported in Portugueze ships. And in order that this matter may be settled with due exactness, and that nothing may be left undetermined concerning it, it is agreed, that tables shall be drawn by each government respectively, specifying the difference of duties to be paid on goods and merchandizes so imported in British or Portugueze ships and vessels; and the said tables (which shall be made applicable to all the ports within the respective dominions of each of the contracting parties) shall be declared and adjudged to form part of this present treaty.

In order to avoid any differences or misunderstanding with respect to the regulations which may respectively constitute a British or Portugueze vessel, the high contracting parties agree in declaring, that all vessels built in the dominions of his Britannic Majesty, and owned, navigated, and registered according to the laws of Great Britain, shall be considered as British vessels; and that all ships or vessels built in the countries be-

longing to his Royal Highness the Prince Regent of Portugal, or in any of them, or ships taken by any of the ships or vessels of war belonging to the Portugueze government, or any of the inhabitants of the dominions of his Royal Highness the Prince Regent of Portugal, having commissions or letters of marque and reprisal from the government of Portugal, and condemned as lawful prize in any Court of Admiralty of the said Portugueze government, and owned by the subjects of his Royal Highness the Prince Regent of Portugal, or any of them, and whereof the master and three-fourths of the mariners, at least, are subjects of his Royal Highness the Prince Regent of Portugal, shall be considered as Portugueze vessels.

VI. The mutual commerce and navigation of the subjects of Great Britain and Portugal respectively, in the ports and seas of Asia, are expressly permitted to the same degree as they have heretofore been allowed by the two crowns. And the commerce and navigation thus permitted, shall hereafter, and for ever, be placed on the footing of the commerce and navigation of the most favoured nation trading in the ports and seas of Asia; that is, that neither of the high contracting parties shall grant any favour or privilege, in matters of commerce and navigation, to the subjects of any other state trading within the ports and seas of Asia, which shall not be also granted *quam proxime* on the same terms to the subjects of the other contracting party. His Britannic Majesty engages in his own name, and in that of his heirs and successors, not to make any regulation which may be prejudicial or inconvenient to the commerce and navigation of the subjects of his Royal Highness the Prince Regent of Portugal within the ports and seas of Asia, to the extent which is or may hereafter be permitted to the most favoured nation. And his Royal Highness the Prince Regent of Portugal does also engage in his own name, and in that of his heirs and successors, not to make any regulations which may be prejudicial or inconvenient to the commerce and navigation of the subjects of his Britannic Majesty within the ports, seas, and dominions opened to them by virtue of the present treaty.

VII. The two high contracting parties have resolved, with respect to the privileges to be enjoyed by the subjects of each of them within the territories or dominions of the other, that the most perfect reciprocity shall be observed on both sides. And the subjects of each of the high contracting parties shall have a free and unquestionable right to travel, and to reside within the territories or dominions of the other, to occupy houses and warehouses, and to dispose of personal property of every sort and denomination, by sale, donation, exchange or testament, or in any other manner whatsoever, without any the smallest impediment or hinderance thereto. They shall not be compelled to pay any taxes or imposts under any pretext whatsoever, greater than those that are paid or may be paid by the native subjects of the sovereign in whose dominions they may be resident. They shall be exempted from all compulsory military service whatsoever, whether by sea or land. Their dwelling-houses, warehouses, and all the parts and appurtenances thereof, whether for the purposes of commerce or of residence, shall be respected. They shall not be liable to any vexatious visits and searches, nor shall

any arbitrary examination or inspection of their books, papers, or accounts be made under colour of the supreme authority of the state. It is, however, to be understood, that in the cases of treason, contraband trade, and other crimes, for the detection of which provision is made by the law of the land, that law shall be enforced; it being mutually declared that false and malicious accusations are not to be admitted as pretexts or excuses for vexatious visits and searches, or for examinations of commercial books, papers or accounts, which visits or examinations are never to take place, except under the sanction of the competent magistrate, and in the presence of the consul of the nation to which the accused party may belong, or of his deputy or representative.

VIII. His Royal Highness the Prince Regent of Portugal engages in his own name, and in that of his heirs and successors, that the commerce of British subjects within his dominions shall not be restrained, interrupted, or otherwise affected by the operation of any monopoly, contract, or exclusive privileges of sale or purchase whatsoever; but that the subjects of Great Britain shall have free and unrestricted permission to buy and sell from and to whomsoever, and in whatever form or manner they may please, whether by wholesale or by retail, without being obliged to give any preference or favour in consequence of the said monopolies, contracts, or exclusive privileges of sale or purchase. And his Britannic Majesty does on his part engage to observe faithfully this principle thus recognized and laid down by the two high contracting parties.

But it is to be distinctly understood, that the present article is not to be interpreted as invalidating or affecting the exclusive right possessed by the crown of Portugal within its own dominions to the farm for the sale of ivory, Brazil wood, urzela, diamonds, gold dust, gun-powder, and tobacco in the form of snuff; provided, however, that should the above mentioned articles, generally or separately, ever become articles of free commerce within the dominions of his Royal Highness the Prince Regent of Portugal, the subjects of his Britannic Majesty shall be permitted to traffic in them as freely and on the same footing as those of the most favoured nation.

IX. His Britannic Majesty and his Royal Highness the Prince Regent of Portugal have agreed and resolved, that each of the high contracting parties shall have the right to nominate and appoint consuls general, consuls, and vice consuls in all the ports of the dominions of the other contracting party wherein they are or may be necessary for the advancement of commerce, and for the commercial interests of the trading subjects of either crown. But it is expressly stipulated, that consuls, of whatsoever class they may be, shall not be acknowledged nor received, nor permitted to act as such, unless duly qualified by their own sovereign, and approved of by the other sovereign in whose dominions they are to be employed; consuls of all classes within the dominions of each of the high contracting parties are respectively to be placed upon a footing of perfect reciprocity and equality; and being appointed solely for the purpose of facilitating and assisting in affairs of commerce and navigation, they are only to possess the privileges which belong to their station, and which are recognised and admitted by all governments as necessary for

the due fulfilment of their office and employment. They are in all cases, whether civil or criminal, to be entirely amenable to the laws of the country in which they may reside, and they are also to enjoy the full and entire protection of those laws so long as they conduct themselves in obedience thereto.

X. His Royal Highness the Prince Regent of Portugal, desiring to protect and facilitate the commerce of the subjects of Great Britain within his dominions, as well as their relations of intercourse with his own subjects, is pleased to grant to them the privilege of nominating and having special magistrates to act for them as judges conservator in those ports and cities of his dominions in which tribunals and courts of justice are or may hereafter be established. These judges shall try and decide all causes brought before them by British subjects, in the same manner as formerly, and their authority and determinations shall be respected; and the laws, decrees, and customs of Portugal respecting the jurisdiction of the judge conservator are declared to be recognized and renewed by the present treaty. They shall be chosen by the plurality of the British subjects residing in or trading at the port or place where the jurisdiction of the judge conservator is to be established; and the choice so made shall be transmitted to his Britannic Majesty's ambassador, or minister, resident at the court of Portugal, to be by him laid before his Royal Highness the Prince Regent of Portugal, in order to obtain his Royal Highness's consent and confirmation; in case of not obtaining which, the parties interested are to proceed to a new election, until the royal approbation of the Prince Regent be obtained. The removal of the judge conservator, in cases of neglect of duty or delinquency, is also to be effected by an application to his Royal Highness the Prince Regent of Portugal through the channel of the British ambassador, or minister resident at his Royal Highness's court. In return for this concession in favour of British subjects, his Britannic Majesty engages to cause the most strict and scrupulous observance and obedience to be paid to those laws by which the persons and property of Portugueze subjects residing within his dominions are secured and protected, and of which they (in common with all other foreigners) enjoy the benefit, through the acknowledged equity of British jurisprudence, and the singular excellence of the British constitution. And it is further stipulated, that in case any favour or privilege should be granted by his Britannic Majesty to the subjects of any other state, which may seem to be analogous to, or to resemble the privilege of having judge conservators, granted by this article to British subjects residing in the Portugueze dominions, the same favour or privilege shall be considered as also granted to the subjects of Portugal residing within the British dominions, in the same manner as if it were expressly stipulated by the present treaty.

XI. His Britannic Majesty and his Royal Highness the Prince Regent of Portugul, agree severally to grant the same favours, honours, immunities, privileges, and exemptions from duties and imposts to their respective ambassadors, ministers, or accredited agents at the courts of each of them; and whatever favour either of the two sovereigns shall grant in this particu-

lar at his own court, the other sovereign engages to grant the same at his court.

XII. His Royal Highness the Prince Regent of Portugal declares and engages in his own name, and in that of his heirs and successors, that the subjects of his Britannic Majesty residing within his territories and dominions shall not be disturbed, troubled, persecuted, or annoyed on account of their religion; but that they shall have perfect liberty of conscience therein, and leave to attend and celebrate divine service to the honour of Almighty God, either within their own private houses, or in their own particular churches and chapels, which his Royal Highness does now and for ever graciously grant to them the permission of building and maintaining within his dominions: Provided, however, that the said churches and chapels shall be built in such a manner as externally to resemble private dwelling houses; and also, that the use of bells be not permitted therein, for the purpose of publicly announcing the time of divine service: and it is further stipulated, that neither the subjects of Great Britain, nor any other foreigners of a different communion from the religion established in the dominions of Portugal, shall be persecuted or disquieted for conscience sake, either in their persons or property, so long as they conduct themselves with order, decency, and morality, and in a manner conformable to the usages of the country, and to its constitution in church and state; but if it should be proved that they preach or declaim publicly against the catholic religion, or that they endeavour to make proselytes or converts, the parties so offending may, upon manifestation of their delinquency, be sent out of the country in which the offence shall have been committed; and those who behave in public with disrespect or impropriety towards the forms and ceremonies of the established catholic religion, shall be amenable to the civil police, and may be punished by fine, or by confinement within their own dwelling houses. And if the offence be so flagrant and so enormous as to disturb the public tranquillity, or endanger the safety of the institution of church and state (as established by law,) the parties so offending may, on due proof of the fact, be sent out of the dominions of Portugal. Liberty shall also be granted to bury the subjects of his Britannic Majesty who may die in the territories of his Royal Highness the Prince Regent of Portugal, in convenient places to be appointed for that purpose; nor shall the funerals or sepulchres of the dead be disturbed in anywise, nor upon any account. In the same manner, the subjects of Portugal shall enjoy within all the dominions of his Britannic Majesty, a perfect and unrestrained liberty of conscience in all matters of religion, agreeably to the system of toleration established therein. They may freely perform the exercises of their religion publicly or privately, within their own dwelling houses, or in the chapels and places of worship appointed for that purpose, without any the smallest hinderance, annoyance, or difficulty whatsoever, either now or hereafter.

XIII. It is agreed and covenanted by the high contracting parties, that packets shall be established for the purpose of furthering the public service of the two courts, and of facilitating the commercial intercourse of their respective subjects. A convention shall be concluded forthwith on the basis of that which was signed at

Rio de Janeiro on the 14th day of September, 1808, in order to settle the terms upon which the said packets are to be established, which convention shall be ratified at the same time with the present treaty.

XIV. It is agreed and covenanted, that persons guilty of high treason, forgery, or other offences of a heinous nature, within the dominions of either of the high contracting parties, shall not be harboured nor receive protection in the dominions of the other. And that neither of the high contracting parties shall knowingly and wilfully receive into and entertain in their service persons, subjects of the other power, deserting from the military service thereof, whether by sea or land; but that, on the contrary, they shall each respectively discharge any such person from their service, upon being required: but it is agreed and declared, that neither of the high contracting parties shall grant to any other state any favour on the subject of persons deserting from the service of that state, which shall not be considered as granted also to the other high contracting party, in the same manner as if the said favour had been expressly stipulated by the present treaty. And it is further agreed, that in cases of apprentices or sailors deserting from vessels belonging to the subjects of either of the high contracting parties while within the ports of the other party, the magistrates shall be bound to give effectual assistance for their apprehension, on due application to that effect being made by the consul general, or consul, or by his deputy or representative; and that no public body, civil or religious, shall have the power of protecting such deserters.

XV. All goods, merchandizes, and articles whatsoever, of the produce, manufacture, industry, or invention of the dominions and subjects of his Britannic Majesty, shall be admitted into all and singular the ports and dominions of his Royal Highness the Prince Regent of Portugal, as well in Europe as in America, Africa, and Asia, whether consigned to British or Portugueze subjects, on paying generally and solely duties to the amount of fifteen per cent., according to the value which shall be set upon them by a tariff or table of valuations, called in the Portuguese language *pauta*, the principal basis of which shall be the sworn invoice cost of the aforesaid goods, merchandizes, and articles, taking also into consideration (as far as may be just or practicable) the current prices thereof in the country into which they are imported. This tariff or valuation shall be determined and settled by an equal number of British and Portugueze merchants of known integrity and honour, with the assistance, on the part of the British merchants, of his Britannic Majesty's consul general, or consul, and on the part of the Portugueze merchants, with the assistance of the superintendant, or administrator general of the customs, or of their respective deputies. And the aforesaid tariff, or table of valuations, shall be made and promulgated in each of the ports belonging to his Royal Highness the Prince Regent of Portugal, in which there are or may be custom-houses. It shall be concluded, and begin to have effect as soon as possible after the exchange of the ratifications of the present treaty, and certainly within the space of three months, reckoned from the date of that exchange. And it shall be revised and altered if necessary, from time to time, either in the whole or in part, whenever the subjects of his

Britannic Majesty, resident within the dominions of his Royal Highness the Prince Regent of Portugal, shall make a requisition to that effect through the medium of his Britannic Majesty's consul general, or consul, or whenever the trading and commercial subjects of Portugal shall make the same requisition on their own part.

XVI. But during the interval between the exchange of the ratifications of the present treaty, and the promulgation of the abovementioned tariff, should any goods or merchandizes, the produce or manufacture of the dominions of his Britannic Majesty, arrive in the ports of his Royal Highness the Prince Regent of Portugal, it is stipulated, that they shall be admitted for consumption on paying the abovementioned duties of fifteen per cent., according to the value set on them by the tariff now actually established, should they be goods or merchandizes which are comprised or valued in that tariff; and if they should not be comprized or valued in that tariff (as also if any British goods or merchandizes should hereafter arrive in the ports of the Portugueze dominions without having been specifically valued and rated in the new tariff or *pauta*, which is to be made in consequence of the stipulations of the preceding article of the present treaty) they shall be equally admitted on paying the same duties of fifteen per cent. *ad valorem*, according to the invoices of the said goods and merchandizes, which shall be duly presented and sworn to by the parties importing the same. And in case that any suspicion of fraud or unfair practices should arise, the invoices shall be examined, and the real value of the goods or merchandizes ascertained, by a reference to an equal number of British and Portugueze merchants of known integrity and honour; and in case of a difference of opinion amongst them, followed by an equality of votes upon the subject, they shall then nominate another merchant, likewise of known integrity and honour, to whom the matter shall be ultimately referred, and whose decision thereon shall be final, and without appeal. And in case the invoice should appear to have been fair and correct, the goods and merchandizes specified in it shall be admitted on paying the duties abovementioned of fifteen per cent., and the expences, if any, of the examination of the invoice shall be defrayed by the party who called its fairness and correctness into question. But if the invoice shall be found to be fraudulent and unfair, then the goods and merchandizes shall be bought up by the officers of the customs on the account of the Portugueze government, according to the value specified in the invoice, with an addition of ten per cent. to the sum so paid for them by the officers of the customs; the Portugueze government engaging for the payment of the goods so valued and purchased by the officers of the customs within the space of fifteen days, and the expences, if any, of the examination of the fraudulent invoice shall be paid by the party who presented it as just and fair.

XVII. It is agreed and covenanted, that articles of military and naval stores brought into the ports of his Royal Highness the Prince Regent of Portugal, which the Portugueze government may be desirous of taking for its own use, shall be paid for without delay at the prices appointed by the proprietors, who shall not be compelled to sell such articles on any other terms.

And it is further stipulated, that if the Portugueze government shall take into its own care and custody any cargo, or part of a cargo, with a view to purchase, or otherwise, the said Portugueze government shall be responsible for any damage or injury that such cargo, or part of a cargo, may receive while in the care and custody of the officers of the said Portugueze government.

XVIII. His Royal Highness the Prince Regent of Portugal is pleased to grant to the subjects of Great Britain the privilege of being assignants for the duties to be paid in the custom-houses of his Royal Highness's dominions, on the same terms and on giving the same security as are required from the subjects of Portugal.

And it is on the other hand stipulated and agreed, that the subjects of the crown of Portugal shall receive, as far as it may be just or legal, the same favour in the custom-houses of Great Britain as is shown to the natural subjects of his Britannic Majesty.

XIX. His Britannic Majesty does on his part and in his own name, and in that of his heirs and successors, promise and engage that all goods, merchandizes and articles whatsoever, of the produce, manufacture, industry, or invention of the dominions or subjects of his Royal Highness the Prince Regent of Portugal, shall be received and admitted into all and singular the ports and dominions of his Britannic Majesty, on paying generally and only the same duties that are paid upon similar articles by the subjects of the most favoured nation.

And it is expressly declared, that if any reduction of duties should take place exclusively in favour of British goods and merchandizes imported into the dominions of his Royal Highness the Prince Regent of Portugal, an equivalent reduction shall take place on Portugueze goods and merchandizes imported into his Britannic Majesty's dominions, and *vice versa*, the articles upon which such equivalent reduction is to take place being settled by previous concert and agreement between the two high contracting parties.

It is understood, that any such reduction so granted by either party to the other, shall not be granted afterwards (except upon the same terms and for the same compensation) in favour of any other state or nation whatsoever. And this declaration is to be considered as reciprocal on the part of the two high contracting parties.

XX. But as there are some articles of the growth and produce of Brazil, which are excluded from the markets and home consumption of the British dominions, such as sugar, coffee, and other articles similar to the produce of the British colonies, his Britannic Majesty, willing to favour and protect (as much as possible) the commerce of the subjects of his Royal Highness the Prince Regent of Portugal, consents and permits that the said articles, as well as all other the growth and produce of Brazil, and all other parts of the Portugueze dominions, may be received and warehoused in all the ports of his dominions, which shall be by law appointed to be warehousing ports for those articles, for the purpose of re-exportation, under due regulation, exempted from the greater duties with which they would be charged were they destined for consumption within the British dominions, and liable only to the reduced duties and expences on warehousing and re-exportation.

XXI. In like manner, notwithstanding the general privilege of admission thus granted in the fifteenth article of the present treaty by his Royal Highness the Prince Regent of Portugal, in favour of all goods and merchandizes, the produce and manufacture of the British dominions; his Royal Highness reserves to himself the right of imposing heavy, and even prohibitory duties on all articles known by the name of British East Indian goods and West Indian produce, such as sugar and coffee which cannot be admitted for consumption in the Portugueze dominions, by reason of the same principle of colonial policy, which prevents the free admission into the British dominions of corresponding articles of Brazilian produce.

But his Royal Highness the Prince Regent of Portugal consents that all the ports of his dominions, where there are or may be custom-houses, shall be free ports for the reception and admission of all articles whatsoever, the produce or manufacture of the British dominions, not destined for the consumption of the place at which they may be received or admitted, but for re-exportation, either for other ports of the dominions of Portugal, or for those of other states. And the articles thus received and admitted (subject to due regulations) shall be exempted from the duties, with which they would be charged if destined for the consumption of the place at which they be landed or warehoused, and liable only to the same expences that may be paid by articles of Brazilian produce received and warehoused for re-exportation in the ports of his Britannic Majesty's dominions.

XXII. His Royal Highness the Prince Regent of Portugal, in order to facilitate and encourage the legitimate commerce, not only of the subjects of Great Britain, but also of those of Portugal, with other states adjacent to his own dominions, and with a view also to augment and secure that part of his own revenue which is derived from the collection of warehousing duties upon merchandize, is pleased to declare the port of Saint Catherines to be a free port, according to the terms mentioned in the preceding article of the present treaty.

XXIII. His Royal Highness the Prince Regent of Portugal, being desirous to place the system of commerce announced by the present treaty upon the most extensive basis, is pleased to take the opportunity afforded by it of publishing the determination pre-conceived in his Royal Highness's mind of rendering Goa a free port, and of permitting the free toleration of all religious sects whatever in that city and its dependencies.

XXIV. All trade with the Portugueze possessions situated upon the eastern coast of the continent of Africa (in articles not included in the exclusive contracts possessed by the crown of Portugal,) which may have been formerly allowed to the subjects of Great Britain, is confirmed and secured to them now, and for ever, in the same manner as the trade which has hitherto been permitted to Portugueze subjects in the ports and seas of Asia is confirmed and secured to them by virtue of the sixth article of the present treaty.

XXV. But in order to give due effect to that system of perfect reciprocity which the two high contracting parties are willing to establish as the basis of their mutual relations, his Britannic Majesty consents to wave the right of creating

factories or incorporated bodies of British merchants, under any name or description whatsoever, within the dominions of his Royal Highness the Prince Regent of Portugal; provided, however, that this concession in favour of the wishes of his Royal Highness the Prince Regent of Portugal shall not deprive the subjects of his Britannic Majesty, residing within the dominions of Portugal, of the full enjoyment, as individuals engaged in commerce, of any of those rights and privileges which they did or might possess as members of incorporated commercial bodies; and also that the commerce and trade carried on by British subjects shall not be restricted, annoyed, or otherwise affected by any commercial company whatever, possessing exclusive privileges and favours within the dominions of Portugal. And his Royal Highness the Prince Regent of Portugal does also engage that he will not consent nor permit that any other nation or state shall possess factories or incorporated bodies of merchants within his dominions, so long as British factories shall not be established therein.

XXVI. The two high contracting parties agree, that they will forthwith proceed to the revision of all other former treaties subsisting between the two crowns, for the purpose of ascertaining what stipulations contained in them are, in the present state of affairs, proper to be continued or renewed.

It is agreed and declared, that the stipulations contained in former treaties concerning the admission of the wines of Portugal on the one hand, and the woollen cloths of Great Britain on the other, shall at present remain unaltered. In the same manner it is agreed, that the favours, privileges, and immunities granted by either contracting party to the subjects of the other, whether by treaty, decree, or alvara, shall remain unaltered, except the power grounded by former treaties, of carrying in the ships of either country goods and merchandizes of any description whatever, the property of the enemies of the other country, which power is now mutually and publicly renounced and abrogated.

XXVII. The reciprocal liberty of commerce and navigation, declared and announced by the present treaty, shall be considered to extend to all goods and merchandizes whatsoever, except those articles the property of the enemies of either power, or contraband of war.

XXVIII. Under the name of contraband or prohibited articles shall be comprehended, not only arms, cannon, harquebusses, mortars, petards, bombs, grenades, saucisses, cascasses, carriages for cannon, musket-rests, bandoliers, gun-powder, match, saltpetre, ball, pikes, swords, head-pieces, helmets, cuirasses, halberts, javelins, holsters, belts, horses, and their harness; but generally all other articles that may have been specified as contraband in any former treaties concluded by Great Britain or by Portugal with other powers. But goods which have not been wrought into the form of warlike instruments, or which cannot become such, shall not be reputed contraband, much less such as have been already wrought and made up for other purposes; all which shall be deemed not contraband, and may be freely carried by the subjects of both sovereigns even to places belonging to an enemy, excepting only such places as are besieged, blockaded, or invested by sea or land.

XXIX. In case any ships or ves-

sels of war, or merchantmen, should be shipwrecked on the coasts of either of the high contracting parties, all such parts of the said ships or vessels, or of the furniture and appurtenances thereof, as also of goods and merchandizes as shall be saved, or the produce thereof, shall be faithfully restored upon the same being claimed by the proprietors, or their factors duly authorised, paying only the expences incurred in the preservation thereof, according to the rate of salvage settled on both sides (saving at the same time the rights and customs of each nation, the abolition or modification of which shall, however, be treated upon in the cases where they shall be contrary to the stipulations of the present article); and the high contracting parties will mutually interpose their authority, that such of their subjects as shall take advantage of any such misfortune may be severely punished.

XXX. And, for the greater security and liberty of commerce and navigation, it is further agreed, that both his Britannic Majesty and his Royal Highness the Prince Regent of Portugal, shall not only refuse to receive any pirates or sea-rovers whatsoever into any of their havens, ports, cities, or towns, or permit any of their subjects, citizens, or inhabitants, on either part, to receive or protect them in their ports, to harbour them in their houses, or to assist them in any manner whatsoever; but further, that they shall cause all such pirates and sea-rovers, and all persons who shall receive, conceal, or assist them, to be brought to condign punishment, for a terror and example to others. And all their ships, with the goods or merchandizes taken by them, and brought into the ports belonging to either of the high contracting parties, shall be seized as far as they can be discovered and shall be restored to the owners, or the factors duly authorised or deputed by them in writing, proper evidence being first given to prove the property, even in case such effects should have passed into other hands by sale, if it be ascertained that the buyers knew or might have known that they had been piratically taken.

XXXI. For the future security of commerce and friendship between the subjects of his Britannic Majesty, and his Royal Highness the Prince Regent of Portugal, and to the end that their mutual good understanding may be preserved from all interruption and disturbance, it is concluded and agreed, that if at any time there should arise any disagreement, breach of friendship, or rupture between the crowns of the high contracting parties, which God forbid, (which rupture shall not be deemed to exist until the recalling or sending home of the respective ambassadors and ministers) the subjects of each of the two parties residing in the dominions of the other shall have the privilege of remaining and continuing their trade therein, without any manner of interruption, so long as they behave peaceably, and commit no offence against the laws and ordinances; and in case their conduct should render them suspected, and the respective governments should be obliged to order them to remove, the term of twelve months shall be allowed them for that purpose, in order that they may retire with their effects and property, whether intrusted to individuals or to the state.

At the same time, it is to be understood that this favour is not to be extended to those that shall act in any manner contrary to the established laws.

XXXII. It is agreed and stipulated by the high contracting parties, that the present treaty shall be unlimited in point of duration; that the obligations and conditions expressed or implied in it shall be perpetual and immutable; and they shall not be changed or affected in any manner in case his Royal Highness the Prince Regent of Portugal, his heirs or successors, should again establish the seat of the Portugueze monarchy within the European dominions of that crown.

XXXIII. But the two high contracting parties do reserve to themselves the right of jointly examining and revising the several articles of this treaty at the expiration of 15 years, counted in the first instance from the date of the exchange of the ratification thereof, and of then proposing, discussing, and making such amendments or additions, as the real interests of their respective subjects may seem to require. It being understood that any stipulations which at the period of revision of the treaty shall be objected to by either of the two high contracting parties, shall be considered as suspended in its operation until the discussion concerning that stipulation shall be terminated, due notice being previously given to the other contracting party of the intended suspension of such stipulation, for the purpose of avoiding mutual inconvenience.

XXXIV. The several stipulations and conditions of the present treaty shall begin to have effect from the date of his Britannic Majesty's ratification thereof; and the mutual exchange of ratification shall take place in the city of London within the space of four months, or sooner, if possible, to be computed from the day of the signature of the present treaty.

In witness whereof we the undersigned, plenipotentiaries of his Britannic Majesty and of his Royal Highness the Prince Regent of Portugal, in virtue of our respective full powers, have signed the present treaty with our hands, and have caused the seals of our arms to be set thereto.

Done in the city of Rio de Janeiro, on the nineteenth day of February, in the year of our Lord one thousand eight hundred and ten.

(L. S.) STRANGFORD.
(L. S.) CONDE DE LINHARES.

END OF VOL. III. PART I.

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